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NOMO-ΛΕΞΙΚΟΝ:

E. James

## A Law-Dictionary.

Interpreting such difficult and obscure

WORDS and TERMS,

As are found either in

Our Common or Statute, Ancient or Modern

LAWES.

WITH

REFERENCES to the several Statutes, Records,  
Registers, Law-Books, Charters, Ancient Deeds, and  
Manuscripts, wherein the Words are used:

And Etymologies, where they properly occur.

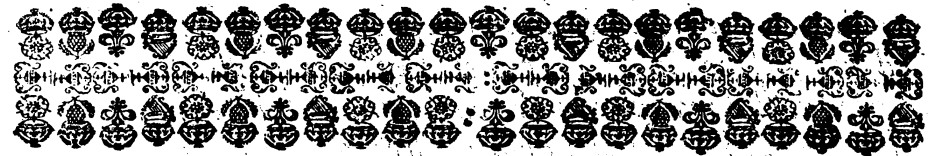
Coke on Littl. fol. 68. b.

*Ad rectè docendum oportet primum inquirere Nomina; quia rerum  
cognitio à nominibus rerum dependet.*By THOMAS BLOUNT  
of the Inner Temple, Esq;

In the SAVOY:

Printed by Tho. Newcomb, for John Martin and Henry  
Herringman, at the Sign of the Bell in S. Pauls  
Churchyard, and a little without Temple-Bar,  
and in the New Exchange. 1670.

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To the Right Honorable  
Sir Orlando Bridgeman Knight and Baronet, Lord  
Keeper of the Great Seal of *England*; Sir John  
Kelynge Knight, Lord Cheif Justice of His Majesties  
Court of *Kings Bench*, and Sir John  
Vaughan Knight, Lord Cheif Justice  
of His Majesties Court of  
*Common Pleas*.

MY LORDS,



*S* it is certainly my bounden duty to offer,  
and submit these my timorous and bashful  
endeavors to your great Judgments; so  
it is my Interest to implore the benignity of  
your auspicious Patronage of them. For  
the publishing these Papers, I had onely  
two Motives: The first and principal to erect a small  
Monument of that vast respect and deference, which I  
have for your Lordships, who are not onely the Oracles of  
our Law, and Grand Exemplars of Justice; but the  
glory and ornament of that Honorable Society, whereof  
(however unworthy) I boast myself a Member, and which  
at present justly claims the preheminance above the rest, by  
producing more persons, dignified with the Judiciary-Scarlet  
Robe, then the other Three, and filling up, by due merit,  
the most eminent Seats of Judicature in the Nation.  
The other, to gratifie an ambitious inclination of my own,  
of leaving behinde me somewhat (how inconsiderable soever)

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## The Epistle Dedicatory.

that may, in some measure, excuse me to posterity, from having been a truantly and useles Member of that Learned and Active Body. If your Honors shall allow me, to have fulfil'd my duty in the one, and obtained my design in the other, I have the desired effect of my Labors: Nor hath my greatest ambition any thing higher to aym at, then that I may, with your Lordships permission, subscribe my self

My Lords,

Inner Temple,  
20 June.  
1670.

Your most humble

and obedient Servant

THO. BLOUNT.

Preface.

## Preface.

**S**ome will perhaps wonder, why I took so much pains to write this Book; and object, that we have two good Ones of this kind extant; *Comels Interpreter*, and *Terms of the Law*, nay haply thrust in *Leighs Phylological Commentary*, as a third: I answer, though it is not my design to raise the reputation of this Work, by disvaluing Those, yet it may be allowable modestly to declare their Defects, that my undertaking this may not appear unnecessary.

Doctor Comel was certainly a Learned Man, and his Enterprise very commendable, but his Profession the Civil Law; and, that he did not singly intend his *Interpreter* for us, appears by his often expressing what each word signifies in the *Common Law*, to distinguish it from the *Civil*; in which learning he bestowes a considerable part of his Book. He ingenuously says, *His design is the advancement of knowledge, and to incite others to finish his model, and supply his defects*, which in truth are not a few; For, he directly mistakes the meaning of some Words, and derivation of others, as *Ordel*, *Windbruch*, *Brodehalpeny*, *Furlong*, *Abisherling*, *Third*, *With-hawman*, &c. He confounds *Realty* with *Royalty*, and *Commote* with *Comorth*, which are distinct words. In the word *Honor*, he says, that in reading he has observ'd thus many Honors in *England*, and sets down 25; wherein, either his Reading was short, or his observations defective; for, I have collected above twice that number out of approved Authors and Records, in being when he wrote. He is sometimes too prolix in the derivation of a Word, setting down several Authors Opinions, without categorically determining which is the true; as in *Erchequer*, *Wuthenham*, *Herald*, *Earle*, *Justices of Trailbaston*, *Wauwage*, *Purlieu*, &c. And lastly, gives us divers bare Words without explication, as *Cone & Key*, *Calendring*, *Coggs*, *Duch*, *Lantegay*, *Balingman*, *Bread of tree*, &c. which I have supply'd; Not but that I have left some *quere's* too but those in Words of greater difficulty.

The Author of the *Law-Terms* was without doubt not less learned; but, wrote so long since, that his very Language and man-

## P R E F A C E.

ner of expression was almost antiquated, till help'd by the late correction of it; He has added to divers *Words* several Cases in Law, relating thereto in general, not tending much to their explication; which I have declin'd, lest the bulk should swell too big, and the principal Design be wav'd: He omits the *Etymons* for the most part, and is much more copious in the first part of the *Alphabet*, than in the later; which argues, the Author had not time, or perseverance, to finish it. They are both much wanting in the number of *Words*, especially the later; For *Cowel* glean'd many after the Author of the *Law-Terms* had in'd his Harvest: yet, both have much useless and repealed Law in them; as in reference to *Tenures* by *Knight's-service* and their *Appendices*, *Wardship*, *Villainage*, *Purveyance*, *Star-chamber*, *Knight-hood*, &c. For, thus sayes the learned Author of the *Preface* to *Roll's Abridgment* — As time, and experience, and use, and some *Acts of Parliament* have abridg'd some, and antiquated other *Tales*, so they have substituted and enlarged others. *Cowel* also, especially in the *Folio Edition*, (besides the misalphabetizing) is extremely misprinted; yet the *Terms* of the Law will still deservedly retain an usefulness, pro tanto, and particularly for the *Law-French*, to instruct the young Student therein. *Leigh* affords not the least Objection against my Undertaking; for, he is a *Commentator*, not an *Expounder*; his Title speaks it, though sometimes he acts a little in both capacities.

Having found these, among other, as I judg'd, important defects in these Authors, consider'd the usefulness of Books of this Nature, and reflected on these Expressions of the Oracle of our Law — Here, as in many other places it appears, how necessary it is to know the signification of Words. And again, That the explanation of ancient Words, and the true sense of them is requisite to be understood, *per verba notiora*. I was encourag'd to bestow my endeavour herein. And, it will abate the wonder, that I, who *inter doctos non effera*, should yet not onely assume the liberty in many places to correct those learned Authors, but also make an additional collection of above a thousand Words, if it be consider'd, That they wanted those Helps I have had, viz. That incomparable *Glossarium Archæologicon* of Sir Henry Spelman; The elaborate *Institutes* of Sir Edward Coke; That excellent *Dictionarium Saxonicæ-Latino-Anglicum* of Mr. Sommer; The Learned Works of Mr. William Dugdale; Mr. Fabian Philips, and others, publish'd since those

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those Authors wrote. My *Genius* has also led me (though sometimes diverted,) to this kind of search these thirty years, as my *Glossographia* will in some measure witness. For, whilst my Contemporaries studied the Law it self, and gain'd Riches; I was hunting after the difficult and uncouth *Terms* of it, and got nothing, but my own satisfaction.

Nor can I otherwise judge, but a *Nomo-lexicon* may be as necessary and useful in our Law-Common-wealth, (even from the Court to the puny-Clerk,) as a *Lexicon Juridicum* among the *Civilians*, or *Lexicon Medicum* with the *Physicians*; since I am by this time perswaded, that no Law, or Science has more absurd *Terms* than ours.

Now, that I may in some measure, prevent the Readers suspicion, that my abilities are not commensurate with so great an Undertaking; I'll tell him freely, I have in this *Meedum* made little hay with my own fork; but, in the more common words have made use of *Cowel*, *Lambert*, *Crompton*, *West*, *Terms of the Law*, *Shens*, &c. yet seldom without Corrections, Contractions, or Additions. In the *Supplementals*, *Bracton*, *Britton*, *Flou*, *Spelman*, *Camden*, *Coke*, but several *Reporters*, and divers other Authors have been my Guides. And, in such Words, wherein Printed Books afford'd me no light, I have consulted *Records*, *Charters*, *ancient Manuscripts*, and some of the best *Antiquaries* of these times, from whom I received both encouragement and assistance.

To many Words I have added their *Etymologies*, where I found them apposite, encouraged thereto by the opinion of a Learned Judge — *Etymologies*, if they be rightly us'd, and drawn from the final cause, or from the Effect, do not onely yield an Argument of good consequence, but also afford much illustration and delight.

I have briefly inserted all the old Writs out of the *Registers*, though many of them are worn out of use; and have not omitted even the *Mechanick Words*, mentioned in our *Statutes*; since there may be use of such knowledge in *Pleadings*: And Lawyers (as *Cowel* well observes) professing true Philosophy, should not be ignorant of such, nor even of Trees, from the Cedar of Lebanon to the *Hysop* that springs out of the Wall.

Though, to gratify the young Student, I have inserted some Words, which will seem very common to the more Learned, yet I have rejected divers I found in *Cowel*, as too mean, and indeed not

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at all deserving an explication; such are *Groome, Sluce, Copie, Revels, Soile, VWedding, Banbels, &c.* And the names of our common Drugs and Spices, mentioned in the Statute of 1 Jac. Besides the general design of this *Dictionary* in explaining the difficult *Law-terms* both ancient and modern, I conceive the *Student* may make a further use of it, as a *Repertory*, or *Common-place*; Since many *Statutes, Law-books, Charters* and *Records* are cited, or referr'd to in most words: For, I have heard, the learned Lord Keeper Littleton made use of *Cowels Interpreter* for the like service.

If I have sometimes committed a *Jeofaile*, or hunted Counter in any explication or Etymology, in so large a field of words, and stor'd with such variety of Game, it will be no wonder, and, I hope, will draw no

cenſure upon me from the Ingenuous: *Quis enim mortalium in argumento tam vario & immenſo; tam nodoſo, rigido & caliginoſo, alias non erret, alias non vacillat?* Besides, the learned Spelman sometimes concludes a Word with a *fateor me ignorare*, and even Sir Edward Coke has err'd (pardon the boldness of that word) at least in Etymons, as in *Atin, Hotchpot, Panel, Heriot, Domicellus, &c.* Therefore, if I leave some words with a *Quare*, or a *Fortasse*, to be resolved, or corrected by the more learned; it is but what *Cowel* frequently, and Spelman has sometimes done.

*Facile est recolere, laboriosum condere.*

Advertisements.



## Advertisements.



At the end the Reader may readily know the Series of our Kings from the Conquest, and, for the most part, in what Kings Reign a Charter without Date is made, by His Title; and again, in what Year of our Lord every King Reigned, and how long, I have prefix'd a Necessary Table to that purpose.

Such also of the Saxon Characters, as are different from the Common; since, through the want of some knowledge in that Language, Authors have committed many Errors; The word *Gersuma* being by some miswritten Gessume, by others Grossome, and by some Gressame. *Grithbreche* occurs in some, Gethbreche, Grithbrich, Greatbreach, Grichbreach, and Greachbreach: So for *pepe & pite* (Were & Wite) we meet with *Pere & Pite*, and the like of divers other words.

Before the Conquest Charters were usually dated; sometimes by Olympiads, sometimes by Calends, Nones & Ides, but most frequently by the year of our Lord. After the Conquest, Dates were commonly omitted, especially in the Deeds of Subjects, till King Edward the Second, and Edward the Thirds dayes, and thenceforth the year of the Kings Reign, or that of our Lord was constantly inserted: So that Deeds, made since the Conquest, and found without date, may be presumed to be in time before those Kings Reigns.

Witnesses names were added in the body of the Deed, and with the same Hand the Deed was written, till and in King Henry the Eighths time; but now changed into Endorsements, where the Witnesses subscribe their own Names.

Additions to persons Names in publick Writings and Pleadings were very rarely used till the Statute of 1 Hen. 5.

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# ADVERTISEMENTS.

In my Progress, where any ancient Charters or Records were judged to be extraordinary, either for matter or form, I have transcribed them at large, but the generality are abridg'd, to avoid prolixity. One onely Seal of King Edward the Fourth, as he was Earl of March, I was induced, as well for the rarity, as preservation of it, to exhibit in Sculpture, though without the limits of my Province.

I need not Apologize the Latin, where it occurs, since both in ancient, as well as the modern times, our Law-pleadings, Charters and Records were alwayes expressed forensi latinitate, which is acknowledged not to be of the purer sort; And a Diphthongs of old seldome used, though I have mostly supply'd them.

To some Words I have added the variæ lectiones I met with, as **Churcheffet**, **Flemenesyrinthe**, **Lairwite**, **Scavage**, &c. To others the Etymons, which sometimes proved the more difficult, in that divers of our Law-Terms, of birth since the Conquest, are voces hybridæ, mungrel words; one part Saxon, the other French or Latin, not without a mixture sometimes of British and other Languages.

The Records and Charters I cite were for the most part copied from the Originals; some from printed Books of unquestionable Authority; others, from the Collections and Manuscripts of faithful and industrious lovers of Antiquity.

## The SAXON CHARACTERS which differ from the VULGAR.

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## A Titular and Chronological TABLE of our KINGS and QUEENS from the Conquest, to the present, 1670.

Kings NAMES and Titles.		Began their Reigne	Reigned Ye. Mo. Da.	Since they Reigned.
1	<b>W</b> ilhelmas Rex; Wilhelmus Rex Anglorum; & Wilhelmus Rex Anglorum, Princeps Normannorum atque Cynomannensium.	1066 Oct. 14	20 11 22	583 Sept. 9
2	Willielmus Rex Anglorum, & Willielmus dei gratia (& natu Dei) Rex Anglorum	1087 Sept. 9	12 11 18	570 Aug. 1
1	Henricus Rex Anglorum; Henricus Dei gratia Rex Anglorum & Henricus gratia Dei Rex Anglorum & Princeps Normannorum	1100 Aug. 1	35 4 1	535 Dec. 1
	Stephanus Rex Anglorum, & Stephanus Dei gratia Rex Anglorum.	1135 Dec. 1	18 11 18	516 Oct. 25
2	Henricus Rex Angliæ, Dux Normaniæ & Aquitaniæ & Comes Andegaviæ	1154 Oct. 25	35 9 8	481 July 6
1	Ricardus Rex Angliæ, Dux Normaniæ & Aquitaniæ & Comes Andegaviæ	1189 July 6	9 9 1	471 April 6
	Johannes, Dei gratia, Rex Angliæ, Dominus Hiberniæ, Dux Normanniæ, Aquitaniæ & Comes Andegaviæ	1199 April 6	17 7 0	454 Oct. 19
3	Henricus, Dei gratia Rex Angliæ, Dominus Hiberniæ, Dux Normanniæ, Aquitaniæ & Comes Andegaviæ. Anno Regni 44, He styl'd himself, Henricus Dei gratia, Rex Angliæ, Dominus Hiberniæ & Dux Aquitaniæ.	1216 Oct. 19	56 1 9	398 Nov. 16
1	Edwardus Dei gratia, Rex Angliæ, Dominus Hiberniæ & Dux Aquitaniæ. In Records sometimes named Edward of Westminster.	1272 Nov. 16	34 8 6	263 July 7
2	Edwardus Dei gratia, Rex Angliæ, Dominus Hiberniæ & Dux Aquitaniæ. And, 14 regni, added Comes Pontivi & Montroill. Pat. 14 Ed. 2. Par. 2. m. 14. Stiled also Edw. of Carnarvan	1307 July 7	19 7 5	344 Jan. 25
3	Edwardus Dei gratia, Rex Angliæ, Dominus Hiberniæ & Dux Aquitaniæ. Anno 13 Regni he omitted Dux Aquitaniæ. He was also called Edward of Windsor, and was the first that used Post Conquestum in His Title.	1326 Jan. 25	51 5 7	293 June 21
2	Ricardus Dei gratia, Rex Angliæ & Franciæ & Dominus Hiberniæ.	1377 June 21	22 8 14	271 Sept. 29
4	Henricus Dei gratia, Rex Angliæ & Franciæ & Dominus Hiberniæ.	1399 Sept. 29	13 6 3	257 Mar. 20
5	Henricus Dei gratia, Rex Angliæ & Franciæ & Dominus Hiberniæ. Et Anno Regni 8, Henricus Dei Gratia, Rex Angliæ, hæres & Regens Franciæ & Dominus Hiberniæ.	1412 Mar. 20	9 5 24	248 Aug. 31
6	Henricus Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1422 Aug. 31	38 6 8	210 March 4
4	Edwardus Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1460 March 4	23 1 8	187 April 9
5	Edwardus Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1483 April 9	0 2 18	187 June 18
3	Ricardus Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1483 June 22	2 2 5	185 Aug. 22
7	Henricus Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1485 Aug. 22	3 10 2	162 Apr. 22
8	Henricus Dei gratia, Rex Angliæ & Franciæ & Dominus Hiberniæ. Et Anno 10 Regni, Henricus octavus Dei gratia, &c. Anno 13 Regni, fides Defensor was added. Et An. 22 Regni, in terra Ecclesiæ Anglicanæ & Hiberniæ supremum caput, was added. Et an. reg. 34, Rex Hiberniæ was added.	1509 Apr. 21 1559	57 10 2	124 July 28

<i>Kings NAMES and Titles.</i>	<i>Began their Reigns.</i>	<i>Reigned Ye. Mo. Da.</i>	<i>Since they Reigned.</i>
6 Edwardus Sextus, Dei gratia, Angliæ Franciæ & Hiberniæ Rex, fidei Defensor, Et in terra Ecclesiæ Anglicanæ & Hiberniæ supremum caput.	1546 Ian. 28	6 5 19.	117 July 26
Queen Mary summoned & her first Parliament by the same Title, but soon after omitted Supremum Caput. After She Married King Philip, She used Her own and his titles, &c.	1553 July 26	5 4 22	112 Nov. 17
Elizabetha Dei gratia, Angliæ, Franciæ & Hiberniæ Regina, Fidei defensor.	1558 Nov. 17	44 4 16	68 March 24
Jacobus Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei defensor.	1602 Mar. 24	22 8 2	45 March 27
1 Carolus Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei defensor.	1625 Mar. 27	23 10 2	22 Jan. 30
2 Carolus Secundus, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei defensor.	1648 Ian. 30.	<i>Vivat.</i>	<i>Vivat.</i>

## OGDOSTEICHON TECHNICON Regum Reginarumque Angliæ.

**W**il. Cong. Will Rufus, Henri. Steph. Henq; secundus, Ric. John, Henricus, tres Edward, Ric; secundus, Post hos regnavit quartus, quintus quoque Henri, Hen. sextus, Edward quartus quintusq; Ricardus Tertius, Hen. Sept. & Oct. Edwardusq; Maria, Eliz. Fac. Carolus primus, CAROLUSQUE SECUNDUS Regnat; & æterno vivat præclarus honore, Imperium Oceano, famam qui terminet astris.

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# A Law-Dictionary:

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# L A W S.

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**Abator** (*abatores*) were stealers of Cattle or Beasts, by Herds or great numbers; and were distinguished from *Fures*. *Nam qui ovem unam surripuerit, ut fur coercetur, qui gregem, ut abactor. M. S.*

**Abate** (from the French *abatre* or *abbatre*, i. To fell, break down or defeat utterly) signifies properly, to diminish or take away; and in our Law-writers, it has a like signification: For to *abate* a Castle or Fortlet (*Old Nat. Br. fol. 45.*) in *Westm. 1. cap. 17.* is interpreted to beat it down. And to *abate* a Writ, is to defeat or overthrow it by some error or exception. *Britton. cap. 48.* As he that puts out the Possessor is said to *Disseise*; so he that steps in between the former Possessor and his Heir, is said to *abate*. And in the Stat. *De conjunctim Feoffatu, 34 Edw. 1.* The Writ shall be *abated*, that is, shall be disabled or overthrown. So in *Stamford's Pleas of the Crown, fol. 148.* The Appeal *abates* by Covin, i. The Accusation is defeated by Deceit, *Anno 11 Hen. 6. cap. 2.* The Justices shall cause to be *abated* and *quashed* the said Writ. See *Intrusion*.

**Abatement** (Fr.) is sometimes used for the Act of the *Abator*; as the *Abatement* of the Heir into the Land, before he has agreed with the Lord. *Old Nat. Br. fol. 91.* Sometimes for the assention or passing the thing *abated*; as *Abatement* of the Writ. *Kitchin, fol. 214.* And in this signification it is as much as *Exceptio dilatoria*, with the Civilians (*Brit. cap. 51.*) or

rather an effect of it: For the Exception alleged and made good, works the *Abatement*. And this Exception may be taken, either to the insufficiency of the Matter, or incertainty of the Allegation, by misnaming the Plaintiff, Defendant, or place; to the variance between the Writ, and the Specialty or Record; to the incertainty of the Writ, Count, or Declaration; or to the death of either of the parties, before Judgment had, and for divers other causes: Upon which defaults, the Defendant may pray, That the Writ or Plaint may *abate*; that is, the Plaintiffs sure against him, may cease for that time. To prevent the *Abatement* of Writs of Error, see the Statute *Car. 2. cap. 2.* Sir Edward Coke says, *Abatementum* is a word of Art, and signifies an Entry by interposition. On *Little. fol. 277.* where he shews the difference between *Abatement*, *Disseisin*, *Intrusion*, *Deforcement*, *Usurpation*, and *Purpresture*.

**Abbat** (*abbatia*) is the same to an Abbot; as Bishoprick to a Bishop: We may call it his *Paternity*. *Talis Abbatia (que Paternitas Latino nomine dicitur) funditus removeatur. Concil. Meldens. Anno Dom. 845. cap. 10.* The word is used *Anno 34 & 35 Hen. 8. cap. 17, 18. Sciant... quod ego Isabella Comissa Penbr. pro salute anime meæ... Dedi Deo & Abbathie de Nutteleg. totam Wicham juxta prædictam Abbatiam, &c. sine dat.*

**Abbat or Abbot** (*Abbas*) A Spiritual Lord, that has the rule and preheminance over a Religious House. He is by *Justinian* termed *Archimandrita*; by others *Cænobiarcha* vel *Archimônastichus*. Of these, some in England were mixed, some not: The mixed were exempt

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empt from the jurisdiction of the Diocesan, having Episcopal Authority within their Precincts, and being also Lords of the Parliament; which were called *Abbots Sovereign* (*Anno 9 Rseb. 2. cap. 4.*) and *Abbots General*; The other sort were subject to the Diocesan in all Spiritual Government. And as *Abbots*, so were there Lord Priors also, who, both had exempt Jurisdiction, and were Lords of Parliament, as appears by Sir Edw. Coke, *de Jure Eccles. fol. 28.* Of which Lord *Abbots* and Priors that late in Parliament, some Authors reckon but Twenty six: Sir Edw. Coke says they were Twenty seven *Abbots* and two Priors. (On *Littl. fol. 97.*) In the Parliament 20 Rich. 2. there were but Twenty five *Abbots* and two Priors. But in the Summons to the Parliament at *Winton*, *Anno 4 Edw. 3.* (in *Doxs claus. ejusdem An. Membran. 41.*) I finde more named, to which I have added the Founders out of Mr. *Dugdales Monast. Angl.*

*Abbots and Priors. Founders Names.*

- 1 Abbot of S. Austins in Canterbury. Ethelbertus Rex, *Anno 602.*
- 2 Abbot of Ranssey. Alwinus Semi Rex, 969.
- 3 Abbot of Peterborough. Wulfertus Rex, 664.
- 4 Abbot of Croyland. Ethelbald Rex Mercia, 726.
- 5 Abbot of Evesham. Egon Episc. Wigorn, 700.
- 6 Abbot of St. Benet de Hulmo. Canutus Rex, *Anno 1026.*
- 7 Abbot of Thornby. Wl. Albemarle Sub Hen. 2.
- 8 Abbot of Colchester. Eudo Dapifer, Hen. 1.
- 9 Abbot of Leicester. Rob. Bossue, Comes Leic. 1141.
- 10 Abbot of Winchcomb. Kenulphus Rex Mercia, 789.
- 11 Abbot of Westminster. Seabert Rex Occid. Sax. 604.
- 12 Abbot of Cirencestre. Henricus Primus, 1133.
- 13 Abbot of S. Albans. Offa Rex Mercia, 795.
- 14 Abbot of S. Mary York. Alanus Comes Britannie, 1088.
- 15 Abbot of Shrewsbury. Roger Comes Montgom. 1081.
- 16 Abbot of Selby. Guliel. Conquestor, 1078.
- 17 Abbot of S. Peters Gloucester. Ofric Rex Northumb. 700.
- 18 Abbot of Malmsbury. Muidulfus Hibern. Scot. 648.
- 19 Abbot of Walsingham. Heraldus Rex, 1036.
- 20 Abbot of Thorney. Adewoldus and Edgarus Rex, 972.
- 21 Abbot of S. Edmunds. Canutus Rex, 1020.

- 22 Abbot of Beaulieu. Johannes Rex, *Anno Regni 6.*
- 23 Abbot of Abingdon. Cissa Rex, *Anno 675.*
- 24 Abbot of Hyde. Aluredus Rex, 922.
- 25 Abbot of Rading. Henricus Primus Rex, 1125.
- 26 Abbot of Glasbury. Jos. Arrimat. Inas Rex Occid. Sax. 708.
- 27 Abbot of Osney. Rob. Fitz Nigel Duiley, 1129.
- 28 Prior of Spalding. Jo. Talbot Com. Angl. 1074.
- 29 Prior of Johns of Jerusalem. Jordanus Bristet & Ux. ejus, 1100.
- 30 Prior of Lewes. Will. de Warren Primus Comes Surv. 1078.

To which were afterwards added,

- 31 Abbot of S. Austins Bristol. Henricus Secundus Rex.
- 32 Abbot of Bardenei. Rex Ethelredus, 712.
- 33 Prior de Semplingham. Saint Gilbertus, 1131.

To these also Henry the Eight added the Abbot of *Tavesstock*. And in the *Teste* to *Magna Charta*, the names of some other *Abbots* are inserted, among the great Men of the Realm. An *Abbot* with the Monks of his House, who were called the *Convent*, made a Corporation, and he was not chargeable with the Act of his Predecessor, if it were not by their Common Seal, or for such things as came to the use of the House.

**Abbathe** (*Anno 31 H. 8. cap. 13.*) See *Abbacy*.

**Abettator**, an *Abetter*. See *Abet*.

**Abbroachment** (*abbroachmentum*) the buying up whole Wares, before they are brought to Market, or out of the Fair or Market, and selling the same by retail. *M. S. de Placit. coram Rege Ed. 3. penes Arthur. Trevor Arm.*

**Abbuttals** (from the Fr. *abutere* or *abouter*, i. terminare) are the Buttings or Boundings of any Land, East, West, North, or South; declaring on what other Lands, High-ways, or other places it does *Abbut*: As in *Crokes Reports*, 2 part. fol. 184. The Plaintiff hath failed in his *Abbuttals*, that is, In setting forth how his Land, is abutted and bounded. *Laterra autem nunquam aiunt abutere; sed terram proximam adiacere.* Those (says *Cambden*) that have Written of *Limits*, say, That certain Hills or Piles of Earth, which they termed *Botentines*, were set in *Limits*. Hence peradventure our Buttings and Boundings.

**Abeyance** or **Abbapance** (from the Fr. *bayer*, i. To gape after, or expect; as those are said, *Bayer la Pargent, qui spe atque animo incumbunt pecunia*) in *Littleton*, cap. *Discontinuance*, *Sett. 56.* is thus used, The right of Fee

*Fee-simple* lies in *Abeyance*; that is, as himself interprets it, only in the remembrance, intention and consideration of the Law. The Frank-tenement of the Gleab of a Parsonage, is in no man during the time the Parsonage is void, but is in *Abeyance*. And it is a Principle in the Law, That of every Land there is *Fee-simple* in some man, or it is in *Abeyance*. Considering this with the signification of the French word, it is probable our Ancient Law Books would signifie hereby a kind of hope or longing expectation; because those things that are in *Abeyance*, though for the present in no man, yet are they in hope and expectation, belonging to him who is next to enjoy them. For I finde also in the French, that *Bayard* is a Man that gapes or gazes earnestly at a thing. And, this *Abeyance* may be compared to that which the *Civilians* call *Hereditem jacentem*. See *Coke on Littl. fol. 342. b.* And *Plowden casu Walsingham*.

**Abet** (from the *a. i.* ad vel usque, and *betan*. i. c. emendare, excitare) signifies to encourage, incite or set on. The Substantive *Abetment* is used for an encouraging or instigation. *Stamf. Pl. Cor. fol. 105.* And *Abetter* or *Abettator* for an instigator or setter on. *Old Nat. Br. fol. 21.* But, both Verb and Noun are always used in the evil part: As *Abettors* of Murder are those that command, counsel, or maintain others to murder: And in some Cases such *Abettors* shall be taken as Principals, in other, but as Accessories, and their presence or absence at the Deed doing, makes a difference in the Case.

**Abberking**, (according to *Rassals* Exposition) is to be quit of Amerciaments before whomsoever, for Transumption proved. The word originally signifies a Forfeiture, or an Amerciament, and is much transformed in the writing, since more probably it should be *Misberking*, *Misbering*, or *Miskering*, according to the Learned *Spelman*. It seems by some Authors, to signifie a Freedom or Liberty; because he that has this word in any Charter or Grant, has not onely the Forfeitures and Amerciaments of all others for transgressions within his Fee; but also is himself free from all such control, by any within that compass.

**Abjuratton** (*abjuratio*) a forswearing or renouncing by Oath; a sworn banishment, or an Oath taken to forsake the Realm for ever. For, as *Stamford* (*Pl. Cor. lib. 2. cap. 40.*) saith, The devotion towards the Church (first in *Edward* the Confessors time, and afterward till 22 Hen. 8.) was so zealous, That, if a man, having committed Felony, could recover a Church or Churchyard, before he were apprehended; he might not be thence drawn to the usual tryal of Law; but confessing his fault to the Justices, at their coming, or to the Coroner, and before them or him, give his oath finally to forsake the Realm: The form and effect whereof you may read in *De Officio Coronatorum*, and in *Horns Mirror of Justices*, lib. 1. cap. *Del Officio de Coronar. Quando ali-*

*quis abjuravit regnum Cruce ei liberata fuit in manu sua portanda in itinere suo per semitas regias & vocabitur vexillum Sancte Ecclesie, Effex. Plac. Hil. 26 Ed. 3.* But this grew at last to be but a perpetual confining the offender to some Sanctuary, wherein, upon *abjuratio* of his liberty and free habitations, he would chuse to spend his life, as appears *Anno 22 Hen. 8. cap. 14.* It is Enacted 21 Jac. cap. 28. That hereafter no Sanctuary or Privilege of Sanctuary, shall be allowed; and consequently *Abjuratio* is taken away, 2 *Instit. fol. 629.* See *Sanctuary*.

**Abolition** (*Anno 25 Hen. 8. cap. 21.*) A destroying or putting out of memory. *Instituta actionis peremptio*. The leave given by the King or Judges to a criminal accuser to desist from further prosecution.

**Abridge** (from the Fr. *Abreger*) to make shorter in words, holding still the whole substance: But in Law it seems to signifie, for the most part, the making a *Declaration* or *Count* shorter, by substracting or severing some of its substance. For example, a Man is said to *abridge* his *Plaint* in an *Affize*, or a Woman her Demand in an *Action of Dower*, that hath put into the *Plead* or Demand any Land, not in the Tenure of the Tenant or Defendant; and, if the Tenant pleads *Non-tenure*, or such-like Plea to parcel of the Land demanded, in *Abatement* of the Writ; the Demandant may *abridge* his *Plaint* or Demand to that parcel, that is, he may leave out that part, and pray the Tenant may answer the rest, to which he has not yet pleaded any thing: The cause is, for that in such Writs the certainty is not set down, but they run in general. And though the Demandant hath *abridged* his *Plaint* or Demand in part, yet the Writ remains good still for the rest. *Brook. tit. Abridgment. An. 21 H. 8. cap. 3.*

**Abridgment** of a *Plaint*. See *Abridge*.

**Abrogate** (*abrogo*) to disannul, take away, or repeal; as to *abrogate* a Law, i. To lay aside or repeal it, *Anno 5 & 6 Edw. 6. cap. 3.* See *Prerogues*.

**Absentees** or **des Absentees**, was a Parliament so called, held at *Dublin*, 10 May, 28 H. 8. And mentioned in *Letters Patent*, *Dat. 29 H. 8.* See *Cokes*, 4 *Instit. fol. 354.*

**Abuttals**. See *Abbuttals*.

**Accedas ad Curiam** (Lat.) is a Writ that lies for him, who has received false Judgment, or fears partiality in a Court Baron, or Hundred Court, being directed to the Sheriff, as appears by *Dyer*, fol. 169. numb. 20. As the Writ *De falso judicio* lies for him that has received such Judgment in the County Court, the form whereof you may see in *Fitz. Nat. Br. fol. 18.* And in the *Register*, fol. 9. b. where it is said this Writ lies for Justice delayed, as well as falsely given; and that it is a *Species* of the Writ *Recordare*.

**Accedas ad Witecomitem**, is a Writ directed to the Coroner, commanding him to deliver a Writ to the Sheriff, who having a



Pone delivered him, doth suppress it, Reg. of Writs, fol. 83.

**Acceptance** (*acceptatio*) is a taking in good part, and a tacite kinde of agreeing to some former Act done by another, which might have been undone or avoided, if such *Acceptance* had not been. For example, if *Baron* and *Feme* seized of Land in right of the *Feme*, make a joynt Lease or Feoffment by Deed; reserving Rent, the *Baron* dies, the *Feme* accepts or receives the Rent: By this the Feoffment or Lease is made good, and shall bar her to bring the Writ *Cui in vita*. Coke on Littl. fol. 211. b.

**Accessory** or **Accessary** (*particeps criminis*) most commonly signifies, one that is guilty of a felonious offence, not principally, but by participation, as by command, advice or concealment, and is of two sorts, 1. *Before the offence or fact*, is he that commands or procures another to commit Felony, and is not himself present; but, if he be, then he is also a Principal. 2. *After the offence*, is he that receives, assists, or comforts any man, that has done any Murder or Felony, whereof he hath knowledge. He who counsels or commands any evil, shall be judged *accessory* to all that follows upon it, but not to another distinct thing. As, I command one to beat another, and he beats him so, that the other dies of it, I shall be *accessory* to this murder. But, if I command one to steal a White Horse, and he steals a Black one; or to burn such a House, which he well knows, and he burns another, I shall not be *accessory*. If I command one to kill I. S. in the Field, and he kills him in the City or Church, or to kill him at such a day, and he kill him on another, I shall be *accessory* notwithstanding: For the killing is the substance, and the day, place, or weapon, is but circumstance. But if I command one to kill I. S. and before he hath killed him, I come and say, I am penitent for my malice, and charge him not to kill him, and yet he kills him, I shall not be *accessory*. Where the Principal is pardoned or hath his Clergy, the *Accessory* cannot be arraigned; there being a Maxim in the Law, *Ubi non est principalis non potest esse accessorius*: For, it appears not by the Judgment of Law, that he was Principal; but if the Principal, after Attainder, be pardoned or hath his Clergy allowed him, there the *Accessory* shall be arraigned. See Sir Edward Cokes, 2 Part Institutes, fol. 183. In the lowest and highest offences, there are no *Accessories*, but all are Principals; as in Riots, forcible Entries, and other transgressions, *Vi & armis*, which are the lowest offences. So in the highest offence, which is *crimen lese Majestatis*, there are no *Accessories*; but in Felony there are, both before, and after. Coke on Littl. fol. 71. There cannot be an *Accessory* before the Fact, in Man-slaughter; because that is sudden and unpremeditated. See more in *Stamf. Pl. Cor. lib. 1. cap. 45, 46, 47, 48*. *Accessories* in Petit-Treason, Felony, Murder, shall not have their Clergy, An. 4 & 5 Phil. & Ma. c. 4.

**Accompt** (*computus*) is taken for a Writ or Action, which lies against a Bailiff or Receiver, who ought to render an account to his Lord or Master, and refuseth. And by the Statute of Westm. 2. cap. 1. if the Accomptant be found in arrears, the Auditors that are assigned to him, have power to award him to prison, there to remain, till he makes agreement with the party. But if the Auditors will not allow reasonable expence and costs; or if they charge him with more Receipts than they ought, his next friend may sue a Writ of *Ex parte talis* out of the Chancery, directed to the Sheriff, to take four *Mainpernors*, to bring his body before the Barons of the Exchequer, and to warn the Lord to appear there at a certain day. See Fitzb. Nat. Br. fol. 116.

**Accord** (Fr.) Agreement, Concordance, Content. Particularly it is an Agreement between two or more, where any person is injured by a Trespass, Offence, or Contract, to satisfy and content him with some recompence, which, if executed, and performed, shall be a good Bar in Law, if the other party (after the *Accord* performed) bring any Action for the same.

**Accroche** (Fr. *accrocher*) To hook, clasp, or grapple unto. It is used (*Anno 25 Edw. 3. Stat. 3. cap. 8.*) as *Encroach*. In France, even at this day *Accrocher un Proces*, signifies to stay a Suit, or to delay the proceeding of it for a time. See *Encroachment*.

**Achat** (Fr. *Achet*, i. A Bargain or Purchase) is used for a Contract or Bargain. *Brook, tit. Contract. Purveyors* were by Parliament, 36 Ed. 3. ordained to be then after called *Achaters*.

**Acquietancia de Shirts et Hundredis**, i. *Quod Prior non debet facere scilicet ad Comitatum Norwici vel in Hundredo pro Manerio de Rudham cum pertin.* Ex Regist. Priorat. de Cokesford.

**Acquietandis plegiis**, Is a Writ lying for a Surety against the Creditor that refuseth to acquit him, after the Debt is paid. Reg. of Writs, fol. 158. Where it appears, that this is a *Justicies*.

**Acquittal** (from the Fr. *acquiter*, to free, acquit, or discharge) most commonly signifies a Deliverance, discharge, and setting free from the suspicion or guilt of an offence; and is twofold, *Acquittal in Law*, and *Acquittal in Fact*.

*Acquittal in Law*, Is when, two are appealed or indicted of Felony, one as Principal, the other as Accessary; the Principal being discharged, the Accessary is by consequence also freed. And in this case, as the Accessary is acquitted by Law, so is the Principal in Fact. *Stamf. Pl. Cor. fol. 168*. *Acquittal* is also where there is a Lord, Mesn, and Tenant; and the Tenant holds Lands of the Mesn, and the Mesn holds over of the Lord Paramount: Now the Mesn ought to acquit the Tenant of all services claimed by any other for the same Lands; for the Tenant must do his service to the Mesn only, and not to divers Lords for one parcel of

of Land. See Coke on Littleton, fol. 100. **Acquittance** (*acquiescentia*) Is a Release or Discharge of a Debt formerly due. But the Verb (*acquiescit*) the Participle *acquiescent*, and the Noun *acquittal*, signifie also a discharge or clearing from an offence objected; as *acquitted* by Proclamation. *Smith de Rep. Angl. p. 76*. *Stamf. Pl. Cor. fol. 168*. *Brook tit. Acquittal*.

**Acre** (from the Germ. *Acher*, i. *ager*) Is a parcel of Land, containing in length forty Perches, and four in breadth, or to that quantity, be the length more or less. And, if a Man erect any new Cottage, he must lay four Acres of Land to it, after this measure. *Anno 31 Eliz. cap. 7*. With this measure agrees *Crompt in his Jur. of Courts, fol. 222*. Though he says, according to the Custom of divers Countreys, the Pearch differs, being in some places, and most ordinarily but sixteen foot and a half; but in *Staffordshire* twenty four foot, as was adjudged in the Case between Sir Edward Aston, and Sir John B. in the Exchequer. In the Statute concerning sowing Flax, (24 Hen. 3. cap. 4.) eightscore Perches make an Acre, which is forty multiplied by four. See also the Ordinance of Measuring Land, 31 Edw. 1. Stat. 1. which agrees with this account.

**Action** (*actio*) is thus defined by *Bracton, lib. 3. cap. 1. & 3*. *Actio nihil aliud est quam jus persequendi in judicio quod alicui debetur*; and is divided into *personal*, *real*, and *mixt*. See Cokes 2 Inst. fol. 40.

*Action personal*, is that which one Man hath against another, by reason of any Contract for Money or Goods, or for offence done by him, or some other person, for whose Fact he is by Law answerable.

*Action real*, is that whereby the Demandant claims title to any Lands or Tenements, Rents, or Commons, in Fee-simple, Fee-tail, or for life. And every *Action real*, is either *Possessory*, that is, of his own Possession or Seisin; or *ancestral*, of the Seisin or Possession of his Ancestor. Coke, lib. 6. fol. 3.

*Real Actions*, as Writs of Right, Writs of Entry, &c. And their several Appendixes, as *Grand Cape*, *Petit Cape*, *Recoit*, *View*, *Aid*, *Prayer*, *Voucher*, *Counter-plea of Voucher*, *Counter-plea of Warranty*, *Recovery in value*, were several great Titles in our Year-Books, but now much out of use. Preface to Rolls Abridgement.

*Action mixt*, is that which lies indifferently against the thing detained, or against the person of the Detainer; and is so called, because it hath a *mixt* respect, both to the thing and the person: Or (as others define it) is Sute given by the Law to recover the thing demanded, and damages for wrong done: As in Affize of Novel Disseisin, which Writ (if the Disseisor make a Feoffment to another) the Disseisee shall have against the Disseisor; and the Feoffee, or other Ter-Tenant to recover not only the Land, but damages also. And so is an Action of *Waste* and *Quare impedit*.

*Actions* are also divided into *Civil*, *Penal*, and *Mixt*. Coke, Vol. 6. fol. 61. a. *Action Civil* is that which tends only to the recovery of that which by reason of any Contract, or other like cause, is due to us: As if a Man by Action seek to recover a sum of Money formerly lent, &c.

*Action Penal* aims at money penalty, or punishment in the party sued, be it corporal or pecuniary: As in the Action *Legis Aquiliae* in the Civil Law; and with us, the next friends of a Man feloniously slain or wounded, shall pursue the Law against the offender, and bring him to condign punishment. *Bracton, lib. 3. cap. 4*.

*Action Mixt*, is that which seeks both the thing, whereof we are deprived, and a penalty for the unjust detaining it: As in an Action for Tythe upon the Statute 2 & 3 Edw. 6. cap. 13. *Item est alia Actio Mixta, quae dicitur Actio Hirciscundæ, & locum habet inter eos qui communem habent hereditatem*, &c. See Coke on Littl. fol. 262. b.

*Action* is also (according to the Form of the Writ) divided into such as are conceived to recover, either the simple value of the thing challenged, or the double, treble, or quadruple. As a *Decies tantum* lies against *Embracers*. *Fitz. Nat. Br. fol. 71*. And against Jurors that take Money for their Verdict of either or both parties: And to be short, any other Action upon a Statute, that punishes any offence by Restitution or Fine, proportionable to the Transgression.

*Action* is *Pre-judicial* (otherwise termed *Preparatory*) or else *Principal*. *Pre-judicial* is that which grows from some question, or doubt in the Principal: As if a Man sue his younger Brother for Land descended from his Father, and it is objected, he is a Bastard. *Bracton, lib. 3. cap. 4. Numb. 6*. This point of Bastardy must be tried, before the cause can further proceed; and therefore is termed *Pre-judicialis, quia prius judicanda*.

*Action* is either *Ancestral* or *Personal*, *Stamf. Pl. Cor. 59*. *Ancestral* seems to be that, which we have by some right descending from our Ancestor; and *Personal*, which has beginning in, and from our selves. There is also *Action Ancestral Droituel*, and *Action Ancestral Possessory*; which see in Cokes 2 Inst. fol. 291.

*Action upon the Case* (*actio super casum*) is a general Action given for redress of wrongs done to any Man without force, and by Law not especially provided for, and is now most in use. For, where you have any occasion of Suite, that neither has a fit name, nor certain Form already prescribed; there the Clerks of the Chancery, in ancient time, conceived a fit Form of Action for the thing in question, which the Civilians call *Actionem in Factum*, and we, *Action upon the Case*.

*Action upon the Statute* (*actio super Statutum*) is an Action brought against a Man, upon an offence against a Statute, whereby an Action is given,

given, and lay not before. As, where one commits Perjury, to the prejudice of another, he, who is endamaged, shall have a Writ upon the Statute, and his Cause. And, the difference between an *Action upon the Statute*, and *Action Popular*, is, Where the Statute gives the Suite or Action to the party grieved, or otherwise to one person certain, that is called *Action upon the Statute*. But where Authority is given by the Statute to every one that will so sue, that is termed *Action Popular*.

*Action* is Perpetual or Temporal (*Perpetua vel Temporalis*) and that is called *Perpetual*, whose force is by no time determined. Of which sort were all Civil Actions among the Ancient Romans, viz. Such as grew from Laws, Decrees of the Senate, or Constitutions of the Emperors; whereas Actions granted by the Pretor, died within the year. So we have in England, *Perpetual* and *Temporary Actions*, and I think all may be called *Perpetual*, that are not expressly limited. As divers Statutes give Actions, so they be pursued within the time by them prescribed; namely, the Statute of 1 Edw. 6. cap. 1. gives Action for three years after the offences committed, and no longer. And the Statute of 7 Hen. 8. cap. 3. doth the like for four years, and that of 31 Eliz. cap. 5. for one year, and no more. But, as by the Civil Law, no Actions were at the last so perpetual, but that by time they might be prescribed against: So in our Law, though Actions may be called *Perpetual*, in comparison of those that are expressly limited by Statute, yet is there a means to prescribe against Real Actions after five years, by a Fine levied, or a Recovery suffered; as you may see in the words, *Fine, Recovery, and Limitation of Assize*.

*Action of a Writ*, is a term used, when one pleads some matter, by which he shews the Plaintiff had no cause to have the Writ he brought; yet it may be, he might have another Writ or Action for the same matter. Such a Plea is called, *A Plea to the Action of the Writ*. Whereas, if by the Plea it should appear, That the Plaintiff has no cause to have an Action for the thing demanded; then it is called *A Plea to the Action*. Cowel.

*Acts of Parliament* are Positive Laws, which consist of two parts (viz.) Of the words of the *Act*, and the sense of it, and they both, joyned together, make the Law.

*Action Burnel*, a Statute so called, made 13 Edw. 1. & An. 1285. Ordaining the Statute Merchant for Recovery of Debts; and was so termed, because made at *Action-Burnel*, a Castle, anciently of the Burnels, afterward of the Lovels in Shropshire.

*Actuary* (*actuarius*) is the Scribe that Registers the Acts and Constitutions of the Convocation.

*Addition* (*additio*) signifies, A Title given to a Man over and above his Christian and Surname, shewing his Estate, Degree, Mystery, Trade, Place of dwelling, &c. *Additions* of

*Estate*, are these, *Yeoman, Gentleman, Esquire*, and such like. *Additions of Degree* are those we call names of Dignity, as *Knight, Lord, Earl, Marquess*, and *Duke*. *Additions of Mystery*, are, *Scrivener, Painter, Mason, &c.* *Addition of Town*, as *Dale, Thorp*, and such like. And, where a Man hath household in two places, he shall be said to dwell in both of them; so that his *Addition* in either may suffice.

By the Statute of 1 Hen. 5. cap. 5. It was ordained, That in Suits or Actions where Process of Outlawy lies, such *Additions* should be to the name of the Defendant, to shew his Estate, Mystery, and place where he dwells, and that the Writs, not having such *Additions*, shall abate, if the Defendant take exception thereto; but not, by the Office of the Court. And this was ordained, to the intent, that one Man might not be vexed, or troubled by the Outlawy of another; but by reason of the certain *Addition*, every person may bear his own burden. See 2 Part. Institut. fol. 595. & 666. And the Statute 27 Eliz. cap. 7.

*Addoubors*. See *Redoubors*.

*Adeling* or *Erbling*, from the Sax. *Ade-lan*, i. nobilis) Was a Title of Honor among the Angles, properly appertaining to the Successor of the Crown. For King Edward being himself without issue, and intending to make *Eadgar* (to whom he was great Uncle by the Mothers side) his heir to this Kingdom, called him *Adeling*. *Howden parte poster. Annal. fol. 347. a. Vido Leges S. Edw. Conf. M. S. a. Will. Cong. recept. cap. ante-penult.* See more of this word in *Spelmans Glossarium*.

*Adjournment* (from the Fr. *adjournement*) Is when any Court is dissolved for the present, or put off, and assigned to be kept again at another day or place. *Adjournment in Eyre* (Anno 25 Edw. 3. Statute of *Purveyers*, cap. 18.) Is an appointment of a day, when the Justices in Eyre mean to sit again. And in 2 Edw. 3. cap. 11. *Adjournment* has the like signification. See *Prorogue*.

*Adjudication* (*adjudicatio*) A giving by Judgment, a Sentence, or Decree, An. 16 & 17 Car. 2. cap. 10.

*Ad inquirendum*, is a Writ *Judicial*, commanding enquiry to be made of any thing touching a Cause depending in the Kings Court, for the better execution of Justice, as of *Bastardy*, and such like. Whereof see great diversity in the Table of the *Register Judicial*, Verbo, *Ad inquirendum*.

*Ad iura Regis*, Is a Writ that lies for the Kings Clerk, against him that sought to eject him to the prejudice of the Kings Title in right of his Crown. Of which see *Register of Writs*, fol. 61. a.

*Admeasurement* (*admensuratio*) Is a Writ which lies, for bringing those to Reason, or a Mediocrity, that usurp more than their share. And this in two Cases, the one termed *Admeasurement of Dower* (*Admensuratio Dotis*) where the Widow of the deceased, holds from the

the Heir, or his Guardian, more, in the name of her Dower, then of right belongs to her. *Register of Writs*, fol. 171. a. *Fitz. Nat. Br. fol. 148.* In which case, the Heir shall be restored to the overplus. The other, *Admeasurement of Pasture*, (*Admensuratio pasturae*) which lies between those, who have Common of Pasture, appendant to their Freehold, or Common by Vicinage, in case any of them Surcharge the Common with more Cattle than they ought. *Regist. fol. 156. b. Fitz. Nat. Br. fol. 125.*

*Adminicle* (*adminiculum*) Aid, help, support. Anno 1 Edw. 4. cap. 1.

*Administrator* (Lat.) Is he that hath the Goods of a Man dying intestate, committed to his charge by the Ordinary, and is accountable for the same, whensoever it shall please the Ordinary to call him thereto. An Action lies against him, and for him, as for an Executor; and he shall be charged to the value of the Goods of the Intestate, and no further; if it be not by his own false Plea, or by wasting the Goods of the dead. If the *Administrator* die, his Executors are not *Administrators*; but it behooves the Court to grant a new *Administration*. If a stranger, who is neither *Administrator* nor Executor, take the Goods of the dead, and administer of his own wrong, he shall be charged and sued as an Executor, and not as *Administrator*. See the Statutes of *Westm. 2. cap. 19.* And 31 Edw. 3. cap. 11.

*Administratrix* (Lat.) She that hath such Goods committed to her charge.

*Admiral* (*Admiratus*, *Admirallus*, *Admiralis*, *Capitanus*, or *Custos Maris*) signifies, An High Officer, or Magistrate, that hath the Government of the Kings Navy. See the Statutes 13 & 15 Rich. 2. cap. 5. And 3---2 H. 4. cap. 11. 28 Hen. 8. cap. 15. And 27 Eliz. cap. 11. This Officer is in all Kingdoms of Europe that border on the Sea. He hath cognizance of the death, or maim of a man, committed in any great Ship, riding in great Rivers, beneath the Bridges thereof, next the Sea; also to arrest Ships in the great Streams, for the service of the King or Commonwealth, and hath jurisdiction in such Streams, during the same voyages. And it appears, that anciently the *Admirals* of England, had jurisdiction of all causes of Merchants and Mariners, hapning not onely upon the main Sea, but in all foreign parts within the Kings Dominions, and without them, and were to judge them in a Summary way, according to the Laws of *Oleron*, and other Sea-Laws. See *Prynnes Animadversions* on 4 Inst. pag. 75. & seq.

*Admission* (*admissio*) Is when the Bishop, upon examination admits a Clerk to be able, and says *Admitte te habilem*. Coke on Litt. fol. 344. a.

*Admittendo Clerico*, Is a Writ granted to him, who hath recovered his right of Presentation against the Bishop in the Common-Bench. The form whereof read in *Fitz. Nat. Br. fol. 38.* And *Register of Writs*, fol. 33. a

*Admittendo in Socium*, Is a Writ for the affociation of certain persons to Justices of Assize formerly appointed. *Register of Writs*, fol. 206. a.

*Adnichiled*, (Anno 28 Hen. 8. cap. 7.) Annulled or made void.

*Ad quod damnum*, Is a Writ that lies to the Sheriff to enquire what hurt it may be for the King, to grant a Fair or Market in any Town, or place; or for the King, or any other person to grant any Lands in Fee-simple to any House of Religion, or other Body Politick. For in such case the Land so given, is said to fall into a *dead hand*; that is, such an estate and condition, that the chief Lords lose all hope of Heriots, service of Court and Escheats, upon any traitorous or felonious offence committed by the Tenant. For a Body Politick dies not, nor can perform personal service to the King, or their Mesn Lords, as single persons may do. And therefore it is reasonable, that before any such grant be made, it should be known what prejudice it is like to work to the Grantor. Of this read more in *Fitz. Nat. Br. fol. 221.* And see *Mortmain*.

*Ad terminum qui preterit*, Is a Writ of Entry, that lies where a Man, having Leased Lands or Tenements for term of life or years; and after the term expired, is held from them by the Tenant or other Stranger that enjoys the same, and deforceeth the Lessor. Which Writ lies for the Lessor, and his heir also. *Fitz. Nat. Br. fol. 201.*

*Advent* (*adventus*) Is the time from the Sunday that falls either upon S. Andrews day, or next to it, till the Feast of Christs Nativity, (Sir Edward Coke (2 Part. Inst. fol. 265.) says *Advent* ends eight days after the Epiphany; but it is a mistake) wherein our Ancestors reposed much reverence and devotion, in reference to the approaching solemn Feast. For, *In Adventu Domini nulla Assisa debet capi. Int. Placita de temp. Regis Joh. Ebor. 126.* Whereupon there was a Statute ordained, *Westm. 1. cap. 48.* That notwithstanding the said usual solemnity and time of rest, it should be lawful (in respect of Justice and Charity, which ought at all times to be regarded) to take Assizes of *Novel Disseisin*, *Mort d'Ancester*, and *Darrein presentment*, in the time of *Advent*, *Septuagesima*, and *Lent*. This is also one of the times, from the beginning whereof, to the end of the *Octaves of the Epiphany*; the solemnizing of marriage is forbidden, without special Licence, according to these old Verbes.

*Conjugium Adventus prohibet*, Hilarique relaxat: *Septuagena vetat, sed Pasche Octava reducit.*

*Rogatio vetitat, concedit Trina potestas.* See *Rogation Week* and *Septuagesima*.

*Adultery* (Anno 1 Hen. 7. cap. 4. Advoutry, *Adulterium*, quasi ad alterius thorum) Properly spoken of married persons; but if onely one of the two, by whom this sin is committed,



he married, it makes *Adultery*; which was severely punished by the ancient Laws of this Land, (not to mention the *Julian Law*, among the old Romans, which made it death.) *Edmundus Rex Adulterium affici jussit instar homicidii*. LL. fuarum, cap. 4. *Canutus Rex hominem adulterum in exitum relegari jussit, famulam nasum & aures praeclidi*. LL. par. 2. cap. 6. & 50. *Qui uxoratus faciet Adulterium habet Rex vel Dominus superiorem, Episcopus inferiorum*, LL. Hen. 1. cap. 12. *Doomsday tit. Chent, Rex, Dover, — De Adulterio per totam Chent, habet Rex hominem, Archiepiscopus mulierem, excepta terra S. Trinitatis, S. Augustini, & S. Martini, de quibus Rex nihil habet. Et tit. Cistre Civitas — Vidua, si se non legitime commiscebat sex s. emendabat, puella vero sex s.* The penalty of this sin was called *Lairwite* by our Saxons. See in 2 Part. *Cokes* the notable Case of *Margret*, the Wife of *John de Camois*, who, with the consent of her Husband, lived in Adultery with *Sir William Panell*, yet lost her Dower. See *Dower*. — *Rex — vic. Subt. — Præcipimus tibi quod diligenter inquiri facias per legales homines de Vijn. Candeur. si Robertus Pincerna, habens suspectum Will. Wake qui cum uxore sua Adulterium committeret, prohibuit ei ingressum Domus sue, & si idem Will. post prohibitionem illam, Domus ipsius Roberti ingressus Adulterium prædictum commisit, inde præfatus Robertus mentula cum privavit, & si Inquisitio dederit, quod ita sit, tunc eidem Roberto & suis qui cum eo erant ad hoc faciend. terr. & catalla sua occasione illa in manum nostram jussita, in pace esse facias, donec aliud inde tibi præcipimus, & veritatem illius inquisitionis & fil. Petri Justic. & Baronibus nostris de Seace, scire fac. Teste G. fil. Petri Com. Essex apud Wudestoke, 3 Nov. — Claus. 14 Joh. m. 2.*

**Ad ventrem inspicendum**, Is a Feminine Writ, mentioned in the Statute of *Essoyns*, Anno 12 Edw. 2. See *Ventre inspicendo*.

**Advocatione decimarum**, Is a Writ that lies for the claim of the Fourth Part or upward, of the Tythes that belong to any Church. Register of Writs, fol. 29. b.

**Adboudry**. See *Adultery*.

**Adbovo alias abovo (advocare)** To justify or maintain an Act formerly done. For example, One takes a Distress for Rent, or other thing, and he that is distrained, sues a *Replevin*. Now the Distrainer, justifying or maintaining the Act, is said to *Avow*. Hence comes *Advowant* and *Advowry*. *Old Nat. Br. fol. 43.* *Bracton* useth the Latin word in the same signification (as *Advocatio dissensionis*) *Lib. 4. cap. 26.* And I finde in *Cassianus de Consect. Burg. pag. 1210.* *Advohare* in the same signification. And *pag. 1213.* the Substantive *Desavohamentum*, for a Disavowing or refusing to *Avow*.

**Adbovo alias abovo (advocatus)** Is used for him that hath right to present to a Benefice, Anno 25 Edw. 3. Stat. 5. Where we finde also *Advowce Paramount*, for the highest Patron, and is spoken of the King. *Advocatus est ad*

*quem pertinet jus Advocationis alicujus Ecclesie, ut ad Ecclesiam, nomine proprio non alieno, possit presentare.* *Fleta, lib. 5. cap. 14. Fitz. Nat. Br. fol. 39.* Useth it in the same signification. See *Avowce*.

**Adbovoze Paramount** (Statute of Provisors, 25 Edw. 3.) Is taken for the King, or highest Patron.

**Adbovozen (advocatus)** A right to present to a Benefice; as much as *Jus Patronatus* in the Canon Law. Thereason why it is so termed, is, Because they that originally obtained the right of presenting to any Church, were upholders of, or great Benefactors to that Church, either by building or increasing it; and are therefore sometimes termed *Patroni*, sometimes *Advocati*, sometimes *Defensores*, *Cap. 4. & 23. De jure Patronatus in Decretal.* And *Adbovozen* (being a Bastard-French word) is used for the right of presenting; as appears by the Statute of *Westminster*, Anno 13 Edw. 1. cap. 5.

*Adbovozen*, Is of two sorts, *Adbovozen in Gros*, that is, Sole, not adhering to any Manor, as parcel of its right; and *Adbovozen Appendant*, which depends upon a Manor, as appurtenant to it, termed by *Kitchin* an *Incident* that may be separated from the Subject. Of this Skene, *De verbor. sign.* hath these words, *Dicitur Advocatio Ecclesie, vel quia Patronus alicujus Ecclesie ratione sui juris advocat se ad eandem Ecclesiam, & assertit se in eadem habere jus Patronatus, eamque esse sui quasi clientis loco, vel potius cum aliquo (nempe Patronus) advocat alium jure suo ad Ecclesiam vacantem, eumque loco alterius (veluti defuncti) presentat, & quasi exhibet.*

**Almsfeob**, Pecunia elemosynaria, scilicet denaria Sancti Petri. See *Almsfeob*.

**Estate probanda**, Is a Writ that the Kings Tenant, holding in chief by Chivalry, and being Ward by reason of his nonage, obtained to the Escheator of the County where he was born, or sometimes where the Land lay, to enquire whether he were of full age to take his Lands into his own hands. Register of Writs, fol. 294. Fitz. Nat. Br. fol. 253. Now disused.

**Aery or Airy of Goshawks** (Fr. *aire*) Is the proper word in Hawks, for that we generally call a *Nest* in other Birds. So it is used Anno 9 Hen. 3. cap. 13. in the Charter of the Forest, and in divers other places.

**Aefneep**. See *Efnecy*.

**Afferers (afferatores)** probably from the Fr. *affer*, i. To confirm or affirm, are those that are appointed in Court Lects upon Oath, to settle and moderate the Fines of such as have committed faults arbitrarily punishable, and have no express penalty set down by Statute. The Form of their Oath you may see in *Kitchin*, fol. 46. The reason of this appellation seems to be, because those that are appointed to this Office, do affirm upon their Oaths, what penalty they think in Conscience the Offender hath deserved. We finde this word used, Anno 25 Edw. 3. Stat. 7. (viz.) *The same Justices before*

before their rising in every Sessions, shall cause the Afferments so be affirmed. And to the same effect, Anno 26 Hen. 6. cap. 6. *Kitchin*, fol. 78. joynts these three words, as *Synonima*, *Affidati*, *Afferatores*, *Afferores*. *Bracton* hath *Affidare mulierem*, to be betrothed to a Woman *Lib. 2. cap. 12.* But I finde in the Customary of Normandy, cap. 20. This word (*affuere*) which the Latin Interpreter expresseth by (*taxare*) that is, to set the price of a thing, as *affimare*, *indicare*, &c. Which etymology seems to be the best.

**Affidatus**, Signifies a Tenant by Fealty, — *Go Rogerus de Fithid dedi, &c. Wil. Waleis pro suo servitio unam acram & perchiam terra, &c. Pro hac donatione & concessione devenit prædictus Wil. Affidatus meus, &c. Affidati non proprie vassalli sunt, sed quasi vassalli, qui in alicujus fidem & clientelam sunt recepti, recommendati &c.* *Laurentii Amalthæa. Affidatio accipitur pro mutua fidelitatis connexionem, tamen Sponsalium, quam inter Dominum & Vassallum. Proles de affidatis & non maritata, non est hæres.* *M. S. Penes Arch. Trevor Ar.*

**Affirm (affirmare)** Signifies to ratifie or confirm a former Law or Judgment. So is the Substantive *Affirmance* used Anno 8 Hen. 6. cap. 12. And so is the Verb it self by *West parte secunda Symbol. tit. Fines, sect. 152.* If the Judgment be affirmed, &c. As also by *Crompton* in his *Jurisd.* fol. 166. 19 Hen. 7. cap. 20.

**Afforeft (afforestare)** To turn Ground into Forest. *Charta de Foresta, cap. 1. Anno 9 Hen. 3.* See more in *Forest*.

**Affray** (of the Fr. *affres*, i. A fright) Signifies a skirmish or fighting between two or more. *Lamb. in his Evenarcha, lib. 2. cap. 3.* *saith*, It is oftentimes confounded with *Affault*; but they differ in this, That an *Affault* is onely a wrong to the party, an *Affray* is a common wrong; & And therefore both are enquirable and punishable in a Lect. An *Affray* may also be without word or blow given: As if a Man shew himself furnished with Armor or Weapons, not usually worn, it may strike a fear into others unarmed. And so it is used, *An. 2 Edw. 3. cap. 3.*

**Affri vel Affra**, Bullocks, or Plough-Beasts. *Viccomes libere et omnia catalla debitorum, exceptis bobus & affris caruca.* *Westm. 2. cap. 18.* And in *Northumberland*, to this day, they call a dull or slow Horse, a *Falst aver*, or *Afcr*. *Spelm.* From whence also may come the word *Heyfer* for a young Cow.

**Age** (*etas*, Fr. *age*,) Signifies that part of Mans life, which is from his birth, to this, or his last day. But in Law it is particularly used for those especial times, which enable Men or Women to do that, which be ore for want of Age, and consequently of Judgment, they might not do. These in a Man, are two; at Fourteen years he is at the Age of Discretion, Twenty one years, is his full Age. *Littleton, lib. 2. cap. 4.* In a Woman there were six Ages observed: First, at Seven years of Age her Father might, of old, Distrain the Tenants of his

Manor, for Aid to marry her: For at thofe years she may consent to Matrimony. *Bracton, lib. 2. cap. 36. numb. 3.* Secondly, At nine years old, she is Dowable; for then or within half a year after, she is able *Promereri dotem & virum justinere.* *Fleta, lib. 3. cap. 22. Littl. lib. 1. cap. 5.* Which *Bracton* does notwithstanding limit unto Twelve years. Thirdly, At Twelve years she is able finally, to ratifie and confirm her former consent to Matrimony. Fourthly, At Fourteen she is enabled to receive her Lands into her own hands, and should be out of Ward, if she were of this Age at her Ancestors death. Fifthly, At Sixteen years she should be out of Ward, though at the death of her Ancestor she was under Fourteen. The reason is, Because then she might take a Husband able to perform Knights service. Sixthly, At Twenty one years she is able to alienate her Lands and Tenements. Also at the Age of Fourteen, a Man is enabled to chuse his own Guardian, and to claim his Land holden in Socage. *Dyer, fol. 162.* Which *Bracton* (*Lib. 2.*) limits at Fifteen years, with whom *Glanville* also agrees. And at Fourteen a Man may consent to Marriage, as a Woman at Twelve. At the Age of Fifteen years, a Man ought to be sworn to keep the Peace. *An. 34 Edw. 1. Stat. 3.* The Age of Twenty one did compel a Man to be Knight, that had Twenty pound Land per annum in Fee, or for term of life. Anno 1 Edw. 2. Stat. 1. Which Statute is repealed 17 Car. 1. cap. 20. That Age also enables him to make Contracts, and manage his estate; which until that time, he cannot do, with security of those that deal with him. The Age of Twelve years binds to appearance before the Sheriffs and Coroner, for enquiry after Robberies. Anno 52 Hen. 3. cap. 24. The Age of Fourteen years enables to enter an Order of Religion, without consent of Parents. Anno 4 Hen. 4. cap. 17. See *Coke on Littl. fol. 78. b.*

**Age Wrier** (*atatem precari*, or *etatis precari*) Is a Petition or Motion made in Court by one in his minority, (having an Action brought against him for Lands coming to him by descent) that the Action may rest till he come to full age; which the Court, in most Cases, ought to grant. This is otherwise in the Civil Law, which enforeth Children in their minority to answer by their Tutors or Curators.

**Aggenhine**. See *Hogbenhine*.

**Aggent and Patient**, Is when one is the doer of a thing, and the party to whom it is done: As where a Woman endows herself of the fairest possession of her Husband.

**Agist** (from the Fr. *giste*, i. A Bed or Reiting-place, or from *gister*, i. *stabulari*) Signifies to take in, and feed the Cattle of Strangers in the Kings Forest, and to gather the Money due for the same. *Charta de Foresta, cap. 9.* The Officers that do this, are called *Agistors*, in English *Guest* or *Gist-takers*. *Crom. Jurisd. fol. 146.* These are made by the Kings Letters Patent, and he hath four of them in every

every Forest, where he has any Pannage. In what their Office consists, see *Manwood, Part 1. Of Forest Laws*, p. 330. Their Function is termed *Agistment*; as, *Agistment upon the Sea Banks*. Anno 6 Hen. 6. cap. 5. This word *agist* is also used for the taking in of other Mens Cattle into any Mans Ground, at a certain rate per week. See 4 Part. *Infist*. fol. 293.

**Agreement** (*Agreementum*, *Plowden*, fol. 17.) Is a joyning or putting together of two or more Minds in any thing done, or to be done; and this is in three manners, 1. An *Agreement* executed at the beginning. 2. An *Agreement* after an Act done by another, and is executed also. 3. An *Agreement* executory, or to be done. The first is such, whereof mention is made in the Statute of 25 Edw. 3. cap. 3. of Cloaths, which saith, *That the Goods bought by Forefallers, being thereof attainted, shall be forfeit to the King, if the Buyer thereof have made Grece with the Seller*; where the word *Grec*, which is otherwise called *Agreement Executed*, signifies Payment for the things, or Satisfaction. The second is, where one does an Act, and another agrees or assents thereunto afterwards. The third is, when both parties at one time are agreed, that such a thing shall be done in time to come; which is *Executory*, in regard the thing is to be done afterwards.

**Aid** (*auxilium*) Is all one in signification with the French *aide*, and differs onely in pronunciation, if we take it as it is used in our vulgar language. But, in our Laws, it hath divers particular significations, as sometimes it signifies a Subsidy. *An. 14 Edw. 3. Stat. 2. cap. 1.* Sometimes a Prestation due from Tenants to their Lords, as toward the Relief due to the Lord Paramount. *Glanville*, lib. 9. cap. 3. This the King or other Lord might of old lay on their Tenants, for Knighting his eldest son at the age of fifteen years, or marrying his daughter at seven. *Register of Writs*, fol. 157. a. And that at what rate themselves listed. But the Statute of *Westm. 1. An. 3 Edw. 1.* ordained a Restraint herein upon common persons, being Lords, and tied them to a constant rate. And 25 Edw. 3. Stat. 5. cap. 11. Provides, that the rate set down by the former Statute should hold in the King, as well as in other Lords. Of which, I finde mention in the Statute of 27 Hen. 8. cap. 10. This Imposition seems to have descended to us from Normandy, (or rather from a more ancient Original, viz. The Feodal Laws.) For in the *Grand Customary*, cap. 35. you have a *Traite*, entituled, *De aides Chevalz. i. De auxilii capitalibus*; whereof the first is, *A faire Paine filz de son seigneur Chevalier*, i. To make the eldest son Knight. The second, *Son ainee fille marier*, i. To marry the eldest daughter, &c. Both these, and all charges incident thereunto, are taken away and discharged by Statute, 12 Car. 2. cap. 24.

This word *Aid* is also particularly used in Matter of Pleading, for a Petition made in Court for the calling in of help from another,

that hath an interest in the Cause in question; and is likely to give strength, both to the party that prays in *Aid* of him, and also to avoid a prejudice growing toward his own right, if not prevented. But this course of proceeding is of late much disused. *Fitz-Herbert* mentions both *Prier in Ayde*, and *Prier Ayde de Patron*, &c. *Auxilium petere a patrono*, *Nat. Br. fol. 50. d.* And the *New Book of Entries*, verbo *ayde de parceren*, fol. 411. col. 4. The word is also found in 13 Rich. 2. cap. 17.

This *Ayd-prier* or *Aid-prayer*, is sometime also used in the Kings behalf, that there be no proceeding against him, till his Council be called, and heard what they can say, for avoiding the Kings prejudice or loss in the cause in hand. Also a City or Borough that hath a Fee-Farm of the King, may pray in *Ayd* of him, if any thing be demanded of them relating thereto. Of this you may read the Statute *De Bigamis*, *An. 4 Edw. 1. cap. 1. 2 & 3. 14 Edw. 3. Stat. 1. cap. 14. & 19 Car. 2. cap. 8. Vide Resciti.*

**Aile** (of the Fr. *aile*, i. *avis*) signifies a Writ that lies, where the Grand-father, or great Grand-father called by us *Besauile*, but in true French *Bisaveul*, was seized of any Land or Tenement in Fee-simple the day he died, and a Stranger abateth or enters the same day, and dispossesseth the Heir, *Fitz. Nat. Br. fol. 222. See Plowden*, fol. 449. b.

**Atrie of Patrons**. See *Aerie*.

**Alba firma**. *Consus annalis qui Centenario sive Domino Hundredi penditur. Ideo alba dicta, quod non ex more priseli seculi in annona que tunc Black mail nuncupata fuit (huc est consus vel firma nigra) sed argento, quasi censu albo reddebatur*. *Spelman. Duplex est tenura in Com. Westmerland. scil. una per Albam firmam & alia per Cornagium*, &c. 2 Part. *Infst*. fol. 10.

**Alderman** (Sax. *Ealdorman*, i. *Senior*,) Was among the Saxons, as much as *Earl* among the Danes, *Camb. Brit. fol. 107*. Also an Elder, Senator, or Statesman. At this day we call them *Aldermen*, who are associates to the Civil Magistrate of a City or Town Corporate, 24 H. 8. cap. 13. See *Spelmans Glossarium* at large on this word, where you shall finde that we had here anciently a title of *Aldermannus totius Anglia*. *Hic requiescit D. Alwinus inelyti Regis Eadgari cognatus, totius Anglia Aldermannus, & bujus sacri Canobii (i. Ramesien.) miraculosus Fundator.*

**Alepiiman** (*alepimannus*) — *Omnis Alepiiman de tota Soca de Hecham, debet singulis annis unum Denarium de Chevagiu; & operabitur per tres Dies in antumpno, exceptis illis qui ab hac servitute liberi sunt. Consuetudinar. de Hecham*. *Prior. Lew. M. S. pag. 21. Videtur Alepimannos istos mancipia fuisse; Chevagiu enim solutio servitutis iudicium est*. *Spelman.*

**Aler sans jour** (Fr.) Is *verbatim*, to go without day; the meaning whereof is to be finally dismissed the Court, because there is no day of farther appearance assigned. *Kitchin*, fol. 104.

*Ale-*

**Ale-silver**, A Rent or Tribute yearly paid to the Lord Major of London, by those that sell *Ale* within the City. *Antiq. of Purveyance*, fol. 183.

**Aletaster**, Is an Officer appointed in every Court Leet, and sworn to look to the Affize, and goodness of Bread and *Ale*, or Beer, within the Precincts of that Lordship. *Kitchin*, fol. 46. where you may see the Form of his Oath.

**Alias**, *vide Capias alias*.

**Alien** (*alienare*) signifies to transfer the property of any thing to another person. To *Alien* in Mortmain, is to make over Lands or Tenements to a Religious House, or other Body Politick. See *Mortmain*. To *alien* in Fee, is to sell the Fee-simple of any Land or Tenements, or of any Incorporeal right. *Westm. 2. cap. 25. Anno 13 Edw. 1.*

**Alien** (*alienus*) One born in a strange Countrey. It is usually taken for the contrary to *Denizen*, or a natural subject, that is, a stranger never here enfranchised. *Brook, Denizen*, 4 &c. Yet a man born out of the Land, so it be within the limits of the Kings obedience beyond the Seas, or of English Parents out of the Kings obedience, so the Parents, at the time of the Birth be of such obedience, is no *Alien* in account, but a Subject to the King. *Stat. 2. 25 Edw. 3.* commonly called the Statute *De nativ ultra mare*. Also, if one born out of the Kings allegiance, come and dwell in England, his Children, begotten here, are not *Aliens*, but *Denizens*. See *Denizen*.

**Alimony** (*alimonia*) Nourishment, maintenance. But in a modern legal fence, it signifies, that portion or allowance, which a married Woman sues for, upon any occasional separation from her Husband; wherein she is not charged with Elopement or Adultery. This *Alimony* was anciently expressed by *rationabile estoverium*, for reasonable maintenance. *Rex Vic. Bucks salutem. Præcipimus tibi quod de Maritaggio Emma de Pincency uxoris Laurentii Penre, qui excommunicatus est, eo quod prædictam Emmam afflicione maritali non tractat, eidem Emma rationabile estoverium suum invenias donec idem Laurentius vir suæ eam tanquam uxorem suam traheverit, ne iteratim clamor ad nos inde perveniat. T. 29 Aug. Anno Regni nostri 7. Rot. Clauf. 7. Hen. p. 1. m. 3.*

**Allay** (Fr.) Is used for the temper or mixture of other Metals with Silver or Gold. *Anno 9 Hen. 5. Stat. 2. cap. 4. and Stat. 1. cap. 11.* The reason of which *Allay* is, with a baser metal, to augment the weight of the Silver or Gold, so much as may countervail the Princes charge in the Coynning, and to make it the more futile. *Anto. Faber. de Nummariorum debitorum solutionibus*, cap. 1. *Anno 4 Hen. 7. cap. 2.*

**Allocation** (*allocatio*) A placing or adding unto; also allowance made upon an account: used in the Exchequer.

**Allocations facienda**, Is a Writ directed to the Lord Treasurer and Barons of the Ex-

chequer, upon a Complaint of some Accomptant, commanding them to allow him such sums, as he hath by vertue of his Office lawfully and reasonably expended. *Register of Writs*, fol. 206. b.

**Allodium**. See *Fee*.

**Alluminoz** (from the Fr. *allumer*, to lighten or kindle) is used for one, who by his trade coloureth or paints upon Paper or Parchment. And the reason is, because he gives light and ornament by his colours to the Letters, or other Figures coloured. The word is used *An. 1 Rich. 3. cap. 9.* Now we call him a *Lammer*.

**Almner** or **Aumoner** (*Eleemosynarius*) Is an Officer of a King or Princes house, whose Function is carefully to collect the fragments of Meat and Victuals, and distribute them every day to the poor; charitably to visit the sick and leprous, prisoners, poor widows, needy persons, and those that have no constant abode; likewise to receive, and faithfully distribute cast Horfes, Robes, Money, and other things given in Alms; he ought also to excite the King with often admonitions, especially on Festival days, to be bountiful in giving Alms; and to beseech, that his rich robes may not be given to Parasites, Maskers, Stage-players, or the like, but may go towards the increase of his Alms. *Fleta*, lib. 2. cap. 22.

**Almshouse** or **Almshouse** (Sax.) i. *Alms-money*; that is, Peterpence anciently paid in England, on the first of August, and given by King *Ina*; called also *Romesco*, *Romescot*, and *Heorthpening*. *Seldens History of Tyber*, pag. 217.

**Almsh**. See *Aumone*.

**Almage** (Fr. *Aulnage*) Ell-measure, the measuring with an Ell. *Anno 17 Edw. 4. cap. 5.* See *Almager*.

**Almager** or **Almeger** (Fr. *Aulner*, i. A Mesurer by the Ell) signifies a sworn publick Officer, who by himself or deputy looks to the Affize of Woollen Cloth made through the Land, and to the Seals for that purpose ordained, *Anno 25 Edw. 3. Stat. 4. cap. 1.* And 3 Rich. 2. cap. 2. who is accountable to the King for every Cloth so sealed in a Fee or Custom thereunto belonging, 17 Rich. 2. cap. 2. Read of this more, 27 Edw. 3. cap. 4. — 1 Hen. 4. cap. 13. — 7 Ejsdem, cap. 10. — 11 Ejsdem, cap. 6. — 13 Ejsdem, cap. 4. — 11 Hen. 6. cap. 9. — 31 Ejsdem, cap. 5. — 4 Edw. 4. cap. 1. — 8 Ejsdem, cap. 1. and 1 Rich. 3. cap. 8. There are now a Ternary of Officers relating to the regulation of Cloathing; all which, were anciently comprized in the unity of one person. These bear the distinct names of *Searcher*, *Measurer*, and *Almger*, which last, though it be a Tautological expression (*Aulnage* and *Measure*, being the same thing denoted in two Languages) yet long usage and custom have brought them to distinct Offices, and that which anciently was called *Almage*, from whence the *Almger* takes the name, who was no more but *Measurer* in signification, is now become Collector of the Subsidy granted to the King, by

by the before recited Statutes, still holding the name *Alnager*, because the collection of that Subsidy was by *Edward* the Third, committed to the charge of the *Alnager*, and he nevertheless not abridged of his measuring and searching, till by his own wilful neglect they became separated, and that by distinct Laws. Inasmuch, as there is now a peculiar *Measurer*, who ought to allow the Assize of length and breadth to every particular Cloth, made in *England* and *Wales*: And, because the Subjects of this Land should not be abused, an office of *Searching* is established by Act of Parliament, whose Officer ought by his Seals, judiciously and diligently affixed, to denote the defaults and casual abuses which each particular Cloth contains. All these Offices were anciently under the cognizance of the *Alnager*; as you may read at large in a Treatise, entitled, *The Golden Fleece*, Printed Anno 1656. See 4 *Instit.* fol. 31.

**Alodium**, in *Doomsday*, signifies a free Manor; and *Alodani*, Lords of the same. See *Coke on Littl.* fol. 5.

**Altarage** (*altaragium*) Comprehends not onely the offerings made upon the *Altar*, but also all the profit which accrues to the Priest by reason of the *Altar*, *Obventio Altaris*.

**Northampton, ff.** *Inter ordines sive decreta de Terminis Sancti Mich* Anno 21 *Elizabeth*. in *Scaccario remanentes*, & in custodia Rememoratoris Regis inter alia continetur sic.

Jovis, 12 Die Nov.

**U**Pon the Hearing of the Matter betwixt Ralph Turner, Vicar of West-Haddon, and Edward Andrews, it is ordered, That the said Vicar shall have, by reason of the words (*Altaragium cum manfo competenti*) contained in the Composition of the Profits assigned for the Vicars maintenance, all such things as he ought to have by these words, according to the Definition thereof made by the Reverend Father in God, John Bishop of London, upon Conference with the Civilians, viz. David Hewes, Judge of the Admiralty, Bartholomew Clark, Dean of the Arches, John Gibbon, Henry Jones, Laurence Hewes, and Edward Stanhop, all Doctors of the Civil Law, that is to say, By Altaragium, Tythes of Wool, Lamb, Colt, Calf, Pigs, Goslings, Chickens, Butter, Cheese, Hemp, Flax, Honey, Fruits, Herbs, and such other small Tythes, with Offerings, that shall be due within the Parish of West-Haddon.

And the like case was for Norton in Northamptonshire, heard in the said Court within these two or three years, upon the Hearing Ordered in the like manner.

*Oblationes sive nummorum, sive panum, tali vel tali Altari, vel ex devotione vel ex con-*

*suetudine, aut a Parochianis, aut ab extraneis facta, Altaragii nomine censentur.* Gloss. in Mat. Paris.

**Alto & basso**, or in Alto & in basso. *Pateat universis per presentes quod Willielmus Tylar de Yetton, & Thomas Gower de Aylemeistre posuerunt se in alto & in basso in arbitrio quatuor hominum, viz. de quadam querela pendente inter eos in Curia de Wyggemore ad festam predicti Willielmi versus prefatum Thomam, Et predicti quatuor homines judicaverunt & ordinarunt quod — Dat. apud Aylemeistre die Mercurii prox. post Festum Conceptionis B. Marie, Anno 2 Hen. 5. — Ipse Prior venit & Bogo similiter & ponunt se in gratiam, misericordiam & voluntatem Regis de alto & basso, ad quod mandantur Turri London, &c. Plac. coram Rege, Hil. 18 Edw. 1. By this is meant, the absolute submission of all differences, small and great, high and low.*

**Amabpr.** See *Chavage*.

**Amibiderer** (Lat.) He that useth his left hand as well as his right; that plays on both sides: But in the legal acceptance, it signifies, That Juror or Embracer who takes Money on both sides for giving his verdict; for which he forfeits ten times to much as he takes, 38 Edw. 3. cap. 12. *Crompt. Just. of P.* fol. 156. b.

**Ame** (Kings Proclamation, 1663.) See *Aume*.

**Amenable** (from the Fr. *amener*, i. To bring or lead unto) Others write it *amainable*, from the Fr. *main*, a hand) tractable; that may be led by the hand or governed; that may be brought or fetched in. It is applied in our Law Books to a Woman that is supposed governable by her Husband.

**Amendment** (*amendatio*) signifies the correction of an Error committed in a Process, and espied before or after Judgment; and sometimes after the party seeking advantage by the Error. *Brook, titulo, Error and Amendment*.

**Amerciament** (from the Fr. *Merci*, i. *misericordia*,) signifies the pecuniary punishment of an offender against the King, or other Lord in his Court, that is found to be in *misericordia*, i. to have offended, and to stand to the mercy of the Lord. There seems to be a difference between *Amerciaments* and *Fines*: These, as they are taken for punishments, are punishments certain, which grow expressly from some Statute; but *Amerciaments* are arbitrarily imposed by *Affeerors*. See *Kitchin*, fol. 78. and 214. *Manwood* (in his first part of *Forest Laws*, pag. 166.) makes another difference, as if an *Amerciament* were a more easy or merciful penalty, and a *Fine* more sharp and grievous. Take his words, If the Pledges for such a *Trespas* appear by common Summons, and not the Defendant himself, then the Pledges shall be imprisoned for the Defendants default: But otherwise it is, if the Defendant himself appear, and be ready in Court before the Lord Justice in Eyre,

to receive his Judgment, and to pay his Fine. But if such Pledges make default, they shall be amerced, but not fined. The Author of the *New Terms of Law* saith, That *Amerciament* is most properly a Penalty assessed by the Peers or Equals of the Party Amerced for an offence done; for which, he puts himself upon the mercy of the Lord: Who also mentions an *Amerciament Royal*, and defines it to be a pecuniary punishment laid upon a Sheriff, Coroner, or such like Officer of the King, by Justices for some offence. *Ratcliff*, Baron of the Exchequer, 2 Hen. 7. fol. 7. See *Miseri-cordia*.

**Amortization** (*amortizatio*, Fr. *amortissement*) Is *prædiorum translatio in manum mortuam, quod tamen sine venia Principis non fiat*. Jus *amortizationis* est privilegium seu licentia capiendi in manum mortuam. In the Statute *De libertatibus perquirendis*, Anno 27 Edw. 1. the word *Amortisement* is used. See *Mortmain*.

**Amortize** (from the Fr. *amortir*) Is to Alien Lands or Tenements to any Corporation, Guild or Fraternity, and their Successors; which cannot be done without Licence of the King, and the Lord of the Mannor. Anno 15 Rich. 2. cap. 5. See *Mortmain*, and the Statute of *Amortizing Lands* made tempore Edw. 1.

**Amobreas manum.** See *Ouster le Man.*

**An, jour & waste** (*Annus, Dies, & Vastum*) Look Year, Day, and Waste.

**Anchorage** (*ancoragium*) A duty taken of Ships for the Pool of the Haven, where they cast Anchor. *M. S. Arth. Trevor Ar.* For no man can let any Anchor fall on the Kings Ground in any Port, without paying therefore to the Kings Officers appointed by Patent.

**Ancestor**, (*anteceffor*) Is well known; but we make this difference betwixt that and *Predecessor*: the first is applied to a natural person, as I. S. & *Antecessores sui*; the other to a Body Politick or Corporate, *Episcopus Winton. & Predecessores sui*. *Coke on Littl. Lib. 2. cap. 4. Sect. 103.*

**Ancestrel**, As *Homage Ancestrel*, i. *Homage* that hath been done or performed by ones *Ancestors*. See *Homage*.

**Ancient**, (Fr. *ancien*) In *Greys-Inn* the Society consists of *Benchers*, *Ancients*, *Bar-rafters*, and *Students*, under the Bar; where the *Ancients* are of the more Ancient *Bar-rafters*. In the *Inns of Chancery* there are onely *Ancient*, and *Students*, or *Clerks*, and among the *Ancients*, one is yearly the *Principal*, or *Treasurer*. In the *Middle-Temple*, *Ancients* are such as are past their Reading, and never read.

**Ancient demean or demain**, (*vetus Patri-monium Domini*) Is a certain Tenure, whereby all the Mannors belonging to the Crown in the days of *Saint Edward*, or *William the Con-queror*, were held. The number and names of which Mannors, as of all other belonging to common persons, after a Survey made of them, he caused to be written in a Book, now re-

maining in the *Exchequer*, and called *Dooms-day*. And those which by that Book appear to have at that time belonged to the Crown, and are contained under the Title *Terra Regis*, are called *Ancient Demeasn. Kitchin. fol. 98.* Of these Tenants there were two sorts; one that held their Land frankly by Charter, the other by Copy of Court-Roll, or by Verge at the Will of the Lord, according to the Custom of the Mannor. *Britton. cap. 66. numb. 8.* The benefit of this Tenure consists in these Points. 1. The Tenants holding by Charter, cannot be impleaded out of their Mannor, or, if they be, they may abate the Writ; by Pleading their Tenure, before or after answer made. 2. They are free of Toll, for all things, concerning their Sustenance and Husbandry. 3. They may not be empannelled upon any Enquest. See more in *Fitz. Nat. Br. fol. 14. d. & fol. 228. &c.* By whom it appears, these Tenants held originally by Ploughing the Kings Land, plashing his Hedges, or such like, towards the maintenance of his Household; in which regard, they had such Liberties given them, wherein, to avoid disturbance, they may have Writs to such as take the Duties of Toll; as likewise for Immunity of Portage, Passage, or such like. No Lands ought to be accounted *Ancient Demeasn*, but such as are held in *Socage*. See *Monstraverunt and Demain*.

**Ancienty**, (Fr. *anciennete, i. ancientnes*) In the Statute of *Ireland*, 14 Hen. 3. is used for Elderhip or Seniority. As, *The Eldest Sister can demand no more then her other Sisters, but the chief Mease by reason of her Ancienty*.

**Andena**, A swath in Mowing. See *Dole*.

**Annates** (*annates*) Are all one with *First-fruits*. Anno 25 Hen. 8. cap. 20. The reason is, because the rate of *First-fruits* paid of *Spiritual Livings*, is after one years profit. *Annates* more suo appellant primos fructus unius anni sacerdotii vacant, aut dimidiam eorum partem, says *Polydor Virgil de Inven. rerum lib. 8. cap. 2.* Note, *Annates*, *Primitiæ*, and *First-fruits*, are all one. *Cokes 12. Rep. fol. 45.* See *First-fruits*.

**Anniented** (from the Fr. *aneantir, i. To make void*) signifies as much as frustrated or brought to nothing. *Littleton, lib. 3. cap. Warranty*.

**Anniversary days** (*dies anniversarii*) Were of old those days, wherein the Martyrdoms or Deaths of Saints were celebrated yearly in the Church; or the days whereon, at every years end, Men were wont to pray for the Souls of their deceased Friends, according to the continued custom of *Roman Catholics*; mentioned in the Statute 1 Edw. 6. cap. 14. and 12 Car. 2. cap. 13. This was in use among our ancient Saxons, as you may see in *Lib. Rames. Sect. 134.*

**Annua pensione**, Is a Writ (now disused) whereby the King having an Annual Pension due to Him from an Abbot or Prior, for any of His Chaplains, (whom He should think good to nominate, being as yet unprovided of suffi-

cient living) demands the same of the said Abbot or Prior; and also will him for His Chaplains better assurance, to give him His Letters Patent for the same. *Register of Writs*, fol. 265, 307. And *Fitz. Nat. Br.* fol. 231. Where you may see the names of all the Abbots and Priors bound to this, in respect of their Foundation or Creation.

**Anno Domini**, Is the computation of time from the Incarnation of our Lord *JESUS*, and is used in publick writings; sometimes with, and sometimes without the year of the Kings reign. As the *Romans* made their computation from the Building of the City *Rome*, and the *Grecians* by *Olympiads*: So Christians in remembrance of the happy Incarnation of our Saviour, reckon their time from thence. *The day of the Month, the Year of our Lord and Saviour Christ, and the Year of the Kings reign, are the usual Dates of Deeds.* *Cokes 2 Inst.* fol. 675.

**Annuity** (*annuus redditus*) Signifies a Yearly Rent to be paid for term of Life, or Years, or in Fee; and is also used for the Writ that lies against a Man for recovery of such a Rent. *Register of Writs*, fol. 158. *Fitz. Nat. Br.* fol. 152. Annuity is otherwise defined to be a certain sum of Money granted to another in Fee-simple, Fee-tail, for Life or Years, to receive of the Grantor or his Heirs, so that no Free-hold be charged therewith; whereof a man shall never have Assize, or other Action, but a Writ of Annuity. *Doctor and Student*, Dial. 1. cap. 3. Shews several differences between a Rent, and an Annuity, whereof the first is, That every Rent, be it Rent-charge, Rent-service, or Rent-seck, is issuing out of Land; but an Annuity chargeth the person only, that is to say, The Grantor or his Heirs that have Assets by descent. The second is, That for the recovery of an Annuity, no Action lies, but only the Writ of Annuity against the Grantor, his Heirs, or Successors; but of a Rent, the same Actions lie as do of Land, as the Case requires. The third difference is, That an Annuity is never taken for Assets, because it is no Free-hold in Law, nor shall it be put in Execution upon a Statute Merchant, Statute Staple or *Elegit*, as a Rent may. *Dyer*, fol. 345. numb. 2. *Coke on Littl.* fol. 144. b.

**Annoisance** *alias* **Nuisance** (Fr. *Nuisance*, i. Hurt or Offence) Hath a double signification, being used as well for any hurt done, either to a publick place, as High-way, Bridge, or Common River; or to a private, by laying any thing that may breed infection, by incroaching, or such like means: As also, for the Writ that is brought upon this transgression; whereof see more in *Nuisance*. The word Annoisance I finde *Anno 22 Hen. 8. cap. 5.*

**Ansel twight.** See *Ansel.*

**Appellata captendo**, Is a Writ (now out of use) that lay against one, who having entred and professed some Order of Religion, brake out again and wandered the Country, contrary to the Rules of his Order. The form whereof, with other circumstances, you shall finde in the *Register of Writs*, fol. 71. & 267. And *Fitz. Nat. Br.* fol. 233.

**Apparator** (*Anno 21 Hen. 8. cap. 5.*) A Messenger that cites offenders to appear in the Spiritual Court, and serves the Process thereof.

**Appartement** (of the Fr. *parcillement*, i. likewise, or in like manner) Signifies a resemblance, or likelihood; as *Appartement of War*, mentioned in our Statutes.

**Appeal** (Fr. *Appel*) Is as much as accusation with the *Civilians*. For, as in the Civil Law, Cognizance of Criminal Causes, is taken either upon inquisition, denunciation, or accusation; so in ours, upon *Indictment* or *Appeal*: *Indictment* comprehending both *Inquisition* and *Denunciation*; and *Accusation* or *Appeal*, is a lawfull Declaration of another Mans crime (which by *Bracton* must be Felony at least) before a competent Judge, by one that sets his name to the Declaration, and undertakes to prove it, upon the penalty that may ensue of the contrary. For the whole course of an *Appeal*, I must refer you to *Bracton*, lib. 3. tract. 2. cap. 18. *Smith de Republ. Angl.* lib. 3. cap. 3. *Britton*, cap. 22, 25. And to *Stamf. Pl. Coron. lib. 2. cap. 6, 7, &c.* An *Appeal* is commenced two ways, either by *Writ* or by *Bill*; *Appeal by Writ* is, when a Writ is purchased out of the *Chancery*, by one to another; to this end, that he Appeal a third of some Felony committed by him, finding Pledges that he shall do it, and deliver this Writ to the Sheriff to be recorded. *Appeal by Bill* is, when a Man of himself gives up his Accusation in Writing to the Sheriff or Coroner, offering to undergo the burden of Appealing the person therein named.

This point of our Law, among others is drawn from the *Normans*, which appears plainly by the *Grand Customary*, cap. 68. Where there is set down a solemn discourse, both of the effects of this *Appeal*, viz. The Order of the Combat, and of the Tryal by Inquest; which by our Law, is in the choice of the Defendant. See *New Book of Entries*, verbo *Appel*. *Book of Assizes*, fol. 78. And 3 *Part. Inst.* fol. 131.

**Appeal of Maihem**, Is an accusing of one that hath maimed another. But that being no Felony, the Appeal thereof is but in a manner an Action of *Trespas*; because there is nothing recorded but damages. *Bracton* calls this *Appellum de Plagis & Mahemio*, and writes a whole Chapter of it, *Lib. 3. Tract. 2. cap. 24.* See *Coke*, Vol. 4. fol. 43. a. In King *Johns* time, there is recorded an *Appeal* against a *Jew*, *Qui fecit ementulari quandam nepotem suum.*

**Appeal of wrong Imprisonment**, Is used by *Bracton* for an Action of wrong Imprisonment, *Lib. 3. Tract. 2. cap. 25.*

**Appeal** (from *Appello*, to call, because *Appellans vocat eum in iudicium*, *Coke on Littl.* lib. 2. cap. 11.) Is divers times used in our Common

Common Law, as in the Civil; which is for a removing of a Cause from an Inferior Judge to a Superior; as *Appeal to Rome*, *Anno 24 Hen. 8. cap. 12.* and *1 Eliz. cap. 1.* So *S. Paul* appealed from *Festus* to *Cesar*. But more commonly for the private accusation of a Murderer, by a Person who had interest in the party murdered, or of any Felon by one of his Complices in the Fact. See *Approver*, and see *Coke on Littl.* fol. 287. b.

**Appelloz** or **Appealoz**, Is he, who hath committed some Felony which he confesses, and now Appeals, that is, Accuses others who were complices with him. And those that are so appealed are called *Appeales*. *Anno 28 Edw. 1.* See *Approver*.

**Appendant** (*appendens*) Is an Inheritance belonging to another that is more worthy; as *Accessorium principali* with the *Civilians*, or, *Adjunctum subjecto* with the *Logicians*. An Hospital may be Appendant to a Mannor, *Fitz. Nat. Br.* fol. 142. Common of Fishing appendant to a Freehold, *Westm. 2. c. 25.* *Anno 13 Edw. 1.* Appendants are ever by Prescription. See *Coke on Littl.* fol. 121. b.

**Appennage** or **Apennage** (Fr.) The portion of the Kings younger Children in France, a Childes part. They have in France a Fundamental Law, which they call the *Law of Apennages*, whereby the Kings younger Sons have Dutchies, Counties, or Baronies, granted unto them, and their Heirs, or Heirs-males of their Bodies, the Reversion reserved to the Crown, and all Matters of Regality, as Coinage, Levying Taxes, and the like. It is derived *Ab appendendo*, or from the German word *Abanage*, which signifies a Portion. See *Gérard du Heylan*, & *Spel. Glossar. in voce Appennagium*.

**Appertinances** (*pertinentia*) Are things both *Corporal*, belonging to another thing, as to the more principal; as Hamlets to a cheif Mannor, Common of Pasture, Turbary, Piscary, and such like; and *Incorporeal*, as Liberties, and Services of Tenants, *Brit. cap. 39.* Where it may be observed, That he accounts Common of Pasture, Turbary, and Piscary, to be things *Corporal*. See *Common*.

**Apportionment** (*apportionamentum*) Is a dividing of a Rent into parts, according as the Land (whence the whole Rent issues) is divided among two or more. As if a Man have a Rent-service issuing out of Land, and he purchaseth part of the Land, the Rent shall be apportioned, according to the value of the Land. So if a Man let Lands for years, reserving Rent, and after a stranger recovers part of the Land, the Rent shall be apportioned. But a Rent-charge cannot be apportioned, nor things that are entire; As if one hold Land by service, to pay to his Lord yearly at such a Feast, a Horse, or Rose; there, if the Lord purchase part of the Land, this service is totally extinct; because such things cannot be divided without hurt to the whole. Yet in some Cases a Rent-charge shall be apportioned,

as if a Man hath a Rent-charge issuing out of Land, and his Father purchaseth part of the Land charged in Fee, and dies, and this parcel descends to his Son, who hath the Rent-charge; there this Charge shall be apportioned, according to the value of the Land; because such portion of the Land, purchased by the Father, comes not to the Son by his own Act, but by descent and course of Law. Common Appendant is of common right, and severable; and though the Commoner, in such case, purchase parcel of the Land, wherein the Common is Appendant, yet the Common shall be apportioned. But in this case, Common Appurtenant, and not Appendant, by such Purchase is extinct. *Coke*, lib. 3. fol. 79.

**Apposer.** See *Foreign Apposer*.

**Apprendre**, (Fr.) As Fee or Profit *Apprendre* (*Anno 2 & 3 Edw. 6. cap. 8.*) Fee or Profit to be taken or received.

**Apprentice**, (Fr. *apprenti*, and that from *apprendre*, to learn, whence their *apprentisage*, and our *apprentiship*) Is one that is bound by Covenant to serve a Tradesman or Artificer, a certain time (for the most part seven years) upon condition, That the Master shall, during that time, instruct him in his Art or Mystery. *Sir Tho. Smith* (in his *Rep. Angl.* lib. 3. cap. 8.) says, They are a kinde of Bondmen, differing onely, in that they are servants by Covenant, and for a time. Anciently Barralters were called *Apprentices of the Law*. As appears by *Mr. Seldens* Notes upon *Fortescue*, p. 3. So the Learned *Plowden* styled himself. *Sir Henry Finch* in his *Nomotechnia* writes himself *Apprentice del Ley*; and *Sir Edward Coke* in his 2 *Part. Instit.* fol. 564. says *Apprenticii Legum*, in pleading, are called *Homines consiliarii*, & in *Lege periti*. And in another place, *Apprentices*, and other *Counsellors of Law*.

**Appropriation** (*appropriatio*, from the Fr. *appropriare*, i. aptare, accomodare) Signifies the severing of a Benefice Ecclesiastical (which originally, and in nature is, *Fruus Divini*, & in *Patrimonio nullius*) to the proper and perpetual use of some Religious House, Bishoprick, College, &c. So called, because Parsons, not being ordinarily accounted (*Domini*) but *usufructuarii*, having no right of Fee-simple, are by reason of their perpetuity, accounted owners of the Fee-simple, and therefore called *Proprietarii*. Before the time of *Richard* the Second, it was lawfull (as it seems) to appropriate the whole Fruits of a Benefice to an Abbey or Priory, they finding one to serve the Cure. But that King ordained, That in every Licence of Appropriation made in *Chancery*, it should expressly be contained, That the Diocesan of the place should provide a convenient sum of money to be yearly paid out of the Fruits, towards the sustentance of the poor in that Parish, and that the Vicar should be well and sufficiently endowed, *Anno 15 Rich. 2. cap. 6.* To make an Appropriation (after Licence obtained of the King in *Chancery*) the consent of the Diocesan, Patron, and Incumbent



hent are necessary, if the Church be full; if it be void, the Diocesan, and the Patron, upon the Kings Licence, may conclude it. *Flowerden in Grendens Case, fol. 496.* To dissolve an *Appropriation*, it is enough to present a Clerk to the Bishop, and he to institute, and induct him: For that once done, the Benefice returns to the former nature, *Fitz. Nat. Br. 35.* and *Coke, lib. 7. fol. 13.*

**Approbement** (*Anno 43. Eliz. cap. 11.*) Is the same with *improvement*; but it is more particularly used for the enclosing part of a Common by the Lord of the Mannor, leaving sufficient nevertheless for the Commoners.

**Approber** (*approbator*) Is one, that confessing Felony committed by himself, appeals or accuses others to be guilty of the same; and is so called, because he must prove that which he hath alleaged in his Appeal. This Proof is by Battle, or by the Countrey, at his election that appealed. The Form of this Accusation you may in part gather by *Cromptons Justice of Peace, fol. 250. & 251.* That it is done before the Coroner, either assigned to the Felon by the Court, to take and record what he saith, or else called by the Felon himself, and required for the good of the Commonwealth to do so. The *Approvers* Oath, when he begins the Combat, you may see in the last Page of *Crompton*, as also the Proclamation by the Herauld. Of the Antiquity of this Law, read at large *Brañon, lib. 3. Tract. 2. cap. 21. & 34. Stamf. Pl. Cor. lib. 2. cap. 52. cum seq.* And *3 Part. Instit. fol. 129.* See *Prover.*

**Approbers of the King** (*Approbatores Regis*) Are those that have the letting of the Kings Demeans in small Mannors, to his best advantage. *Anno 51. Hen. 3. Stat. 5.* And in the Statute of *1 Edw. 3. cap. 8.* the Sheriffs call themselves the *Kings Approvers.*

**Approbe** (*approbare*) To augment or (as it were) to examine to the utmost. For example, To approve Land, is to make the best benefit of it by increasing the Rent, &c. *Anno 9. Hen. 6. cap. 10.* Bailiffs of Lords in their Franchises, are called their *Approvers*; and by what follows, you may see what kinde of *Approvers* or *Improvers* were formerly in the Marches of Wales, authorized by the Prince thereof. *Richard de Lyngain Emprover desub Commission nostre tre dous Seigneur le Prince deins le Comte de Hereford, & le Marches adjoignant, a touts y ceuz qui cestz Lettres verront ou orront, salut. Sachez moy aver grant a une Janin de Brompton loyal & leige home nostre Seigneur le Roy, & a ses servants, de vendre & acheter bests & berbez deins le Comte de Hereford, & le Marche adjoignant sans empeschement ou arrest de nulluy, come loyal & leige hommes, a son propre use & encrese, sans refreshment des Rebels de Gales. Et cest ma Lettre serra son Garrant. En tesmoignage de quel chose a y ceste jay mise mon Seal. Don a Lencestre le xi jour de Juliet le ann de Regne le Roy Henric. le quart apres le Conquest, quart. — See 2 Part. Instit. fol. 474. — Quod nullus libere tenens infra Ba-*

*roniam illam se appruira possit de vasto suo, &c.*

**Aquage** (*aquagium, q. aqua agium, i. aqua ductus & aquagangium*) — *Non liceat alicui de cetero facere dammas vel fardas aut alia impedimenta in aliquibus landis watergangiis, fossatis sive aquagiis communibus in marisco predicto. Ordinatio Marisci de Romenei facta tempore Hen. 3. & Edw. 1. pag. 72. See Water-gage.*

**Arbitrator** (*Lat.*) Is an extraordinary Judge or Commissioner in one or more Causes, between party and party, chosen by their mutual consents. This *Arbitrement* is either general, that is, including all Actions, Quarrels, and Demands, or Special, which is of one or more Matters, Facts, or Things specified. The *Civilians* make a difference between *Arbiter* and *Arbitrator*: For though they both ground their power upon the compromise of the parties, yet their liberty is divers. For *Arbiter* is tied to proceed and judge according to Law, with Equity intermingled; *Arbitrator* is permitted wholly to his own discretion, without solemnity of Process or Course of Judgment, to hear or determine the Controversie committed to him; so it be *Juxta Arbitrium boni viri.* See *Alto & Basso.*

**Arbitrement.** See *Arbitrator.*

**Arches Court** (*Curia de Arcubus*) Is the chief ant ancientest Consistory that belongs to the Archbishop of Canterbury, for debating Spiritual Causes; and is so called from *Bow-Church* in London, (dedicated to the Blessed Virgin) where it was kept. And the Church is so called of the fashion of the Steeple or *Clochier* thereof, whose top is raised of Stone-pillars, built *Arch-wise*, like so many *Bent-Bows.*

The Judge of this Court is termed *The Dean of the Arches*, or *The Official of the Arches Court.* Dean of the Arches, because with this Officialty is commonly joyned a peculiar Jurisdiction of Thirteen Parishes in London, termed a *Deanry*, being exempted from the Authority of the Bishop of London, and belonging to the Archbishop of Canterbury, of which, the Parish of *Bow* is one, and the chief, because the Court was there kept.

The Jurisdiction of this Judge is ordinary, and extends it self through the whole Province of Canterbury. So that upon any Appeal made, he forthwith, and without any further examination of the Cause, sends out his Citation to the Appallee, and his Inhibition to the Judge, from whom the Appeal was made. Of this read more in *Historia de Antiq. Eccles. Britan.* And *4 Part. Instit. fol. 337.*

**Archibe** (*archibum, from arca, a Press or Chest.*) The Rolls, or a place wherein Ancient Records, Charters, and Evidences (that belong to the Crown and Kingdom) are kept; also the Chancery or Exchequer Office.

**Armes** (*arma*) In the understanding of Law, are extended to any thing that a Man wears for his defence, or takes into his hands, or useth in his wrath to cast at, or strike another.

*Crompt.*

*Crompt. Just. of Peace, fol. 65. a.* So *Armorum appellatio, non utique scuta & gladios, & galeas significat, sed & fustes & lapides.*

*Armes* are also, what we call in Latin *Insignia*, Emblems of Honor.

**Argentum Dei.** Gods-penny, i. Earnest Money, or Money given in earnest: In *Lincolnshire* called *Erlas.*

**Arpen or Arpent** (*Fr.*) An Acre or Furlong of Ground, the most ordinary one, called *L'Arpent de France*, is One hundred Perches square, after Eighteen Foot to the Perch. This word is often found in *Doomsday*, *Quatuor Arpeni vinca noviter plantata.* *Fitt. Middlesex.*

**Arrap** (an old *Fr.* word) signifies the ranking or setting forth a Jury or Enquest of Men, empannelled upon a Cause. *18 Hen. 6. cap. 14.* Hence the Verb to *Array* a Pannel. *An. 3 H. 5. cap. 5.* and *Old Nat. Br. fol. 157.* That is, to set forth the Men empannelled one by another. The *Array* shall be quashed, *ibidem.* By the Statute, every *Array* in Assize ought to be made four days before. *Br. tit. Pannel. num. 10.* To challenge the *Array.* *Kitchin, fol. 92.* See *Challenge.* To lead and conduct persons armed and arrayed, *14 Car. 2. cap. 3.*

**Arrapers** (*arraiatores*) Is used in the Statute, *12 Rich. 2. cap. 6.* for such Officers, as had care of the Soldiers Armor and see them duly accounted in their kindes. Such were the Commissioners of *Array*, appointed by King Charles the First, in the year 1642. *Edw. Dei gratia Rex Anglia, Dominus Hib. & Dux Aquit. dilectis & fidelibus suis Johanni de Oclesthorp & Johanni de Fenton, electoribus & Arraiatoribus hominum in Wapentachio de Barkeston salutem. Cum ad repellendam Scotorum maliciam qui regnum nostrum hostiliter sunt ingressi, homicidia, depredationes, incendia & alia mala — citia perpetrando — versus partes Marchie Scotie, &c. Inde Scoti cum toto posse suo ut pro certo didicimus propere civitatem nostram Karleoli ista die Martis se congregare proponunt, &c. Nos considerantes periculum, &c. Omnes homines defensibiles & potentes ad pugnandum ejusdem Wapentagii tam milites quam alii, &c. 2. me ipso apud North-Arverton xiiii die Junii, Anno regni nostri primo.*

**Arraine or Arraigne** (from the French *Arranger, i.* to set a thing in order or in his place) hath the same signification in Law: For he is said to *Arraine* a Writ of *Novel Disseisin*, who prepares and fits it for Tryal before the Justices of the Circuit, *Old Nat. Br. fol. 109.* *Littleton* (pag. 78.) useth the word in the same sense, viz. *The Lease arraineth an Assize of Novel Disseisin.* To arraign the Assize, is to cause the Tenant to be called, to make the Plaintiff, and to set the Cause in such order, as the Tenant may be enforced to answer thereto, *Coke on Littl. fol. 262. b.* Also a Prisoner is said to be arraigned, when he is indicted and brought forth to his Tryal. *Arraigned* within the Verge upon Murder. *Stamf. Pl. Cor. fol. 150.* The manner of this *Arraignment* you may read

in *Sir Thomas Smith de Rep. Angl. lib. 2. cap. 23.* — The Learned *Spelman* is of opinion, it should be written *Arrame*, from *arramare*, and that from the old French *arramir, i. jurare, promittere, sollemniter profiteri.*

**Arrearages** (from the *Fr. arriere, retrò*) The remain of an Accompt, or a Sum of Money remaining in the hands of an Accomptant. It is sometimes used more generally for any Money unpaid at a due time; as *Arrearages* of Rent.

**Arrentation** (from the Span. *arrendare, q. ad certum reditum dimittere,*) *Ordin. Foresta, 34 Edw. 1. cap. 6.* Signifies the licensing an owner of Lands in the Forest, to enclose them, (*Bassa haya & parvo fossato,* with a low Hedge, and small Ditch; which is according to the Assize of the Forest) under a Yearly Rent. *Saving of the Arrentations,* Is saving power to give such Licences for a Yearly Rent.

**Arrest** (*Fr.* a stop or stay, and is metaphorically used for a Decree, or Determination of a Cause debated, or disputed *pro and con*; as *Arrest du Senat. i. Placitum Curie.*) with us *Arrest* is taken for the Execution of the Command of some Court or Officer of Justice, and a Man stopped, staid, or apprehended for Debt, &c. is said to be *Arrested*; which may be called *The beginning of Imprisonment.*

To move or plead in *Arrest* of Judgment, is to shew cause why Judgment should be staid, notwithstanding the Verdict be given. To plead in *Arrest* of taking the Enquest upon the former Issue, is to shew cause why an Enquest should not be taken, &c. *Brook, tit. Repleader.* For preventing *Arrests* of Judgments, see the Statute, *16 & 17 Car. 2. cap. 8.*

**Arrestandis bonis ne dissipentur**, Is a Writ which lies for him, whose Cattle or Goods are taken by another, who during the controversy, doth, or is like to make them away, and will hardly be able to make satisfaction for them afterward, *Register of Writs, fol. 126.*

*Arrestando ipsum, qui pecuniam recepit ad proficiscendum in obsequium Regis, &c.* Is a Writ which lies for the apprehension of him that hath taken Prent-Money for the Kings Wars, and hides himself when he should go, *Register of Writs, fol. 24. b.*

*Arresto facto super bonis mercatorum alienigenorum, &c.* Is a Writ which lies for a Denizen, against the Goods of Strangers or any other Countrey, found within this Kingdom, in recompence of Goods taken from him in that Countrey, after he hath been denied restitution there. *Register of Writs, fol. 129. a.* This among the Ancient *Civilians* was called *Clarigatio*, now barbarously *Reprisalia.*

**Arreteth**, (*arrestatus, quasi, ad rectum vocatus*) That is convicted before a Judge, and charged with a crime. It is sometimes used for imputed, or laid unto; as, no folly may be arretted to one under age. *Littleton, cap. Remitter.* Chaucer useth the Verb *Arreteth, i.* Layeth blame, as it is interpreted. *Brañon* say;

says, *Ad reñm habere Malefactorum*, i. To have the Malefactor forth coming, so as he may be charged and put to his Tryal, *Lib. 3. tract. 2. cap. 10.* And in another place, *Reñtus de morte hominis*, charged with the death of a Man.

**Arrura**, — *Hoc Scriptum factum apud Sutton Courtenay*, 20 Dic Dec. 4 Edw. 3. Inter Dominum Hugonem de Courtenay ex parte una & Ric. de Stanlake & Johannam uxorem ejus ex altera, testatur, quod idem Dominus Hugo, in excambium remissit eidem Ricardo & Johannam omnimoda opera, viz. Arruras, Messiones & Caviagia, & alia quacunq; opera. Et ipsi non debunt *medietate*, &c. Penes Tho. Wollascol de Sutton prædict. Ar. q. If not here used for Ploughing and Harrowing.

**Artbel**, (*An. 26 H. 8. cap. 6.* — And that no person or persons shall hereafter, at any time, cast any thing into any Court within Wales, or in the Lordships Marchers of the same, by the mean or name of an Artbel; by reason whereof the Court may be letted, disturbed, or discontinued for that time, upon pain of, &c.) Is a British word, and is more truly written *Arddelto*, which the South-wales men write *Arddel*, and signifies (according to Dr. Davies Dictionary) *Aspirulari*, *Asperere*, *Vindicare*; *Asperio*, *Vindicatio*; *Anglice Abouch*. Example, *W delir Wyn, ai ledzad yn ei Llaw rhaid iddo geisio Arddelw cyfreithlon, i fwrto ei ledzad oddiortho*. i. If a Man be taken with stolen Goods in his hands, he must be allowed a lawfull *Arddelto* (*Vouchee*) to clear him of the Felony. Which is part of the Law of *Howel Dda*; but probably was so abused in Henry the Eighth's time, by the delay of, or exemption of Felons, and other Criminals from Justice, that provision by this Statute was made against it. Thus explained by the Learned Meredith Lloyd Esquire.

**Articles of the Clergy** (*Articuli Cleri*) Are certain Statutes made touching Persons and Causes Ecclesiastical. *Anno 9 Edw. 2. and Anno 14 Edw. 3. Stat. 3.*

**Assart**, (*Fr. Effarter*, to glade or make Glades in a Wood, to make Plain, to Grab up or clear a ground of Buihes, Shrubs, &c.) Is (according to *Manwood*, cap. 9. numb. 1.) an offence committed in the Forest, by plucking up those Woods by the Roots, which are Thickets, and Cover for the Deer, and by making them plain as arable Land; which is the greatest Offence or Trespas that can be done in the Forest, to Vert or Venison, containing as much or more then *Waste*. For whereas *Waste* of the Forest, is but the Felling and Cutting down the Coverts, which may grow again: *Assart* is a Plucking them up, and Destroying them; which is confirmed out of the Red Book in the *Exchequer*, in these words, *Assaria* verb occasiones nominantur, quando Foresta nemora vel Dumeta, passiva & latibulis ferarum oportuna, succiduntur: Quibus succisis & radicibus avulsis, terra subvertitur & excoli-

tur. And again out of *Register of Writs*, fol. 257. in the Writ *Ad quod Damnum*, sent out in case where a Man sues for a Licence to *Assart* his Grounds in the Forest, and to make it several for Tillage. So that it is no offence, if done with Licence. To this *Bracton* may be added, (*Lib. 4. cap. 38.*) who saith, That these words *Boscus efficitur Assartum*, signifie as much as *Radellus ad culturam*. Of this you may read more in *Crompt. Jurisd.* fol. 202. and in *Charta de Foresta*, Anno 9 Hen. 3. cap. 4. where it is written *Assert*, not *Assart*. And in *Manwood*, part. 1. pag. 171. That which we call *Assartum*, is elsewhere termed *Diboscatio*. *Quicquid de Effartibus* we finde in a Charter of Privilege granted by Henry the First, to the Abbot of *Rames. Secl.* 198. And in *Pat.* 18 Edw. 3. pag. 1. m. 19. — Et quibusdam Sartis, quæ sartaverunt homines ipsius Ecclesie, &c.

*Assart* was also anciently used for a parcel of Land assarted, as appears by this Charter of Roger Earl of Mortimer. *Sciant presentes & futuri*, quod ego Rogerus de Mortuo mare Dedi & concessi Ade Pistori pro servitio suo tresdecem acras terre super Mughedone inter pratum quod fuit Petri Budelli & viam quæ vadit per medium Mughedone. Dedi etiam eidem Ade Duo Assarta en la Hope, quæ appellantur Ordrichestunding & Aldicherunding, in quibus Assartis continentur quinque acra ad eandem mensuram tresdecem acrarum super Mughedone. Ad tenendum de me & heredibus meis sibi & heredibus suis in feodo & hereditate libere & quiete, Reddendo inde annuatim mihi & heredibus meis ille & heredes sui duos solidos ad Festum Sancti Michael. pro omni servitio, salvo servitio Domini Regis. De autem hac mea Donatio & concessio firma sit & stabilis, cam, hac carta me i. sigillo meo munita, confirmavi. His testibus, Ade Salvag. Walt. de novo Menul. &c. Sine dat. Penes Tho. Bridgewater, Gen.

**Assault** (*assultus*) Is a violent kinde of injury offered to a Mans person, of a higher nature then *Battery*; for it may be committed by offering a blow, or by a terrifying speech, (*Lamb. Eiren. lib. 1. cap. 3.*) As to rebuke a Collector with foul words, so that he departed for fear without doing his Office, was taken for an *Assault*. To strike at a Man, though he were neither hurt nor hit with the blow, was adjudged the like. 22 *Lib. Ass. Plea. 60.* For *Assault* does not always necessarily imply a hitting, or blow; because in Trespas for *Assault* and *Battery*, a Man may be found guilty of the *Assault*, and excused of the *Battery*, 25 *Edw. 3. cap. 24.* The Feudists define it thus, *Assultus est impetus in personam aut locum, sive hoc pedibus fiat, vel equo aut machinis aut quacunq; alia re assiliatur*. *Zafius de Feud.* pag. 100. num. 38.

**Assach** or **Assath** (*An. 1 H. 5. cap. 6.*) Was a strange kinde of Purgation used of old in Wales, by the Oaths of 300 Men. For so I finde it explicated in an ancient M. S. *Assach est un Jur. de 300 homes in Gales*, and is now abrogated.

**Assap**

**Assay of Measures and Weights** (from the *Fr. Essay*, i. a proof or tryal) Is the examination used by the Clerk of the Market. *Register of Writs*, fol. 279. — *Ac Assisam & Assiam panis, vini & Cervisie*. *Patent.* 37 Hen. 8. Tho. Marrow.

**Assayer of the King** (*Assaiator Regis*, *Fr. assayer*) Is an Officer of the Mint for the due tryal of Silver, indifferently appointed between the Master of the Mint, and the Merchants that bring Silver thither for exchange. *Anno 2 Hen. 6. cap. 12.* Vessels of Gold shall be assayed. *Anno 28 Edw. 1. cap. 20.* and 18 *Car. 2. cap. 5.* *Mandatum est Will. Hardel, Clerico*, quod convocatis in presentia sua omnibus monetariis, Assaiatoribus, custodibus, operariis & aliis ministris de Cambiis Regis London. & Cantuar. per visum & testimonium illorum providcat, quod tot & tales operarii sint in prædictis Cambiis, qui sufficient ad operationes regias faciendas, ne Rex pro defectu hujusmodi ministrorum dampnum incurrat. T. apud Wudstoke, 10 Junii. *Clauf. 17 Hen. 3. m. 8.*

**Assembly unlawful**, Is the meeting of three or more persons to do an unlawful act, though they do it not. *Lamb. Eiren. lib. 1. cap. 19.* See *Unlawful Assembly*.

**Assessor Fleta**, *lib. 2. cap. 15.* useth it quasi, *Ordinator, Collocator, Dispositor*. We now use it for him that Asseseth Publick Taxes; as two Inhabitants in every Parish were *Assessors* for the *Royal Aid*, that is, rated every person according to the proportion of his estate. *Anno 16 & 17 Car. 2. cap. 1.* Also an Officer in the Presbyterian Assemblies.

**Assets** (*Fr. Asses, i. satis*) Signifies Goods enough to discharge that burden, which is cast upon the Executor, or Heir, in satisfying the Testators or Ancestors debts, or Legacies. In *Brook. titulo*, *Assets par descent*, you shall finde, That whoever charges another with *Assets*, charges him with having enough descended, or come to his hands to discharge that which is in demand. Of this there are two sorts, *Assets per descent*, and *Assets enter mains*.

The first is, Where a Man enters into Bond, and dies seised of Lands in Fee-simple, which descend to his Heirs, and are therefore chargeable as *Assets* in his hands: But if the Heir alien the Lands, before the Bond be put in suit, he is discharged. *Assets enter mains*, is when a Man dies indebted, leaving to his Executors sufficient to discharge his Debts and Legacies; this is called *Assets in their hands*.

**Assign** (*assignare*) Hath two significations; one general, as to appoint a Deputy, or to set over a right to another; in which, *Britton* (fol. 122.) saith, this word was first brought into use in favor of Bastards, because they cannot pass under the name of Heirs, were therefore comprised under that of *Assignes*. The other special, as to point at, or set forth, viz. To *Assign Error*, is to shew in what part of the Process Error is committed. To *assign false Judgment*, is to declare how and where the Judgment is unjust. To *assign* a false Verdict.

*Old Nat. Br.* fol. 17, 19, & 112. To *assign Waste*, is to shew, wherein especially the Waste is committed. *Register of Writs*, fol. 72. *Assign* in the general signification is used, *Anno 20 Edw. 1.* and 11 *Hen. 6. cap. 2.* in these words, *Justices assigned to take Assises*. And the Substantive *Assignment* hath the same signification; as the *Assignment* of a Lease, is the setting over, or transferring the Leases interest to another.

**Assignee**, Is he that is deputed or appointed by another to do any act, or perform any business, or enjoy any commodity; and he may be so, either by *Deed*, or in *Law*. *Assignee by Deed*, is when a Lessee of a term, sells and assigns the same to another, that other is his *Assignee by Deed*. *Assignee by Law*, is he whom the Law so makes, without any appointment of the person; as an Executor is the *Assignee* in Law to the Testator, who dies possessed of a Lease made to him and his *Assignes*. *Perkins* (tit. *Grants*) says, An *Assignee* is he that possesses, or enjoys a thing in his own right; and *Deputy*, is he that does it in the right of another.

**Assise of mort d'ancestor** (*Assisa mortis antecessoris*) Lies where my Father, Mother, Brother, Sister, Uncle, Aunt, &c. died seised of Lands, Tenements, Rents, &c. that he had in Fee-simple, and after his death a stranger abates: And it is good as well against the Abator, as any other in possession. How likewise this is extended, see *Bracton*, lib. 4. tract. 3. per totum. *Britton*, cap. 70. *F. Nat. Br.* fol. 114. *Register of Writs*, fol. 223.

**Assise of darrein presentment** (*assisa ultime presentmentis*) Lies where I or my Ancestor have presented a Clerk to a Church, and after (the Church being void by his death, or otherwise) a stranger presents his Clerk to the same Church, in my disturbance. And how otherwise this Writ is used, see *Bracton*, lib. 4. tract. 2. *Register of Writs*, fol. 30. *F. Nat. Br.* fol. 195.

**Assise de utrum** (*assisa utrum*) Lies for a Parson against a Lay-man, or a Lay-man against a Parson, for Land or Tenement doubtful, Whether it be Lay-fee, or Free-alms. And of this see *Bracton*, lib. 4. tract. 5. cap. 1. & *seq. Britton*, cap. 95. The reason why these Writs are called *Assises*, may be divers. First, because they settle the Possession, and so an outward right in him that obtains by them. Secondly, They were originally executed at a certain time and place formerly appointed. For by the *Norman Law*, the time and place must be known forty days before the Justices sit on them: And by our Law there must be likewise fifteen days of preparation, except they be tried in the standing Courts at *Westminster*, as appears by *F. Nat. Br.* fol. 177. d. 2. Lastly, They may be called *Assises*, because they are tried most commonly by special Courts, set and appointed for the purpose, as may be well proved, not onely out of the *Customary of Normandy*, but our Books also: Which shew, That in ancient

ancient times Justices were appointed by special Commission, to dispatch Controversies of Possession, one or more, in this or that only County, as occasion fell out, or Discessins were offered, and that as well in Term time, as out of Term: Whereas of later days, we see that all these Commissions of Assises, of Eyr, of Oger and Terminer, of Goal-delivery, and of Nisi prius, are dispatched all at one time, by two several Circuits in the year, out of term, and by such as have the greatest sway of Justice, being all of them the Kings Justices of either Bench, Barons of the Exchequer, or Serjeants at Law.

**Assise**, In the second signification, as odoring to Littleton, is used for a Jury. For (to use his own example) it is set down in the beginning of the Record of an Assise of Novel Disseisin, *Assisa venit recognitura*, which is as much as to say, Juratores veniunt recognituri. He gives this reason why the Jury is called an Assise, because, by Writ of Assise, the Sheriff is commanded, *Quod faciat duodecim liberos & legales homines de vicineto, &c. Videre tenementum illud, & nomina eorum imbervari, & quod summonseat eos per bonas summonitiones, quod sint coram Justiciariis, &c. parati inde facere recognitionem, &c.* This is (as if he should have spoken shorter) Metonymia effluvi. For they are called the Assises, because they are summoned by virtue of the Writ so termed. And yet the jury summoned upon a Writ of Right, is likewise called the Assise, as himself there confesseth. Which Writ of Right is not an Assise; but this may be said to be *agnoscitur*, or abusively so termed. Assise in this signification is divided in *magnam & parvam*. Glanville, lib. 2. cap. 6 & 7, &c. and Britton, cap. 12. Where it appears, wherein the Great Assise differs from the Petit Assise. The former four kinds of Assises used in Actions one y Possessory, are called Petit Assises, in respect of the Grand Assise. For the Law of Fees is grounded upon two Rights: One of Possession, the other, of Property. And as the Grand Assise serves for the Right of Property; so the Petit Assise serves for the Right of Possession. Horns Mirror of Justices, lib. 2. cap. De Novel Disseisin.

**Assise** in the third signification, according to Littleton, is an Ordinance or Statute of Assise; as the Statute of Bread and Ale made Anno 51 Hen. 3. is termed the Assise of Bread and Ale (*Assisa panis & cervisie*) Reg. of Writ, fol. 279. b.

**Assise of the Forest** (*Assisa de Foresta*) Is a Statute or Condition, touching orders to be observed in the Kings Forest. Manwood, part. 1. pag. 35. Crompton in the Court of Justices of the Forest, per totum, fol. 146. & seq. And the Assise of the King, Anno 18 Edw. 1. Stat. 1. called *The Statute for view of Frank-Pledge*. And these are called Assises, because they set down and appoint a certain measure, rate, or order in the things they concern. Of Assise, in this signification, Glanville also speaks, Lib. 9. cap. 10. in fine, *Generaliter verum est quod de quolibet*

*placito quod in comitatu deducitur & terminatur, misericordia que inde provenit, vicemcomiti debetur. Quia quanta sit, per nullam assisam generalem determinatum est.* And thus much touching Littletons Division.

But if we mark well the Writers of the Law, we shall finde this word (*Assise*) more diversely used, then this Author hath noted. For it is sometime used for the measure or quantity it self, (and that per Metonymiam effluvi) because it is the very scantline described or commanded by the Ordinance: For example, we say, When Wheat, &c. is of this price, then the Bread, &c. shall be of this Assise. This word is further taken, for the whole Process in Court upon the Writ of Assise, or for some part thereof, as the Issue or Verdict of the Jury. For example, *Assises of Novel Disseisin, &c. shall not be taken, but in their Skires, and after this manner, &c.* Mag. Char. cap. 12. And so it seems to signifie, Westm. 2. cap. 25. Anno 13 Edw. 1. in these words, *Let the Disseisor allege no false exceptions, whereby the taking of the Assises may be deferred, &c.* And Anno 34 Edw. 1. Stat. 2. if it be found by Assise; the Assise is arraigned; to aver by the Assise; the Assise by their default shall pass against them. And also Anno 1 Hen. 6. cap. 2. Assises awarded by default of the Tenant, &c. Lastly, By Merton, cap. 4. Anno 20 Hen. 3. certified by the Assise; quit by the Assise, &c. And in this signification Glanville calls it *Magnam Assisam domini Regis: quae ex duodecim ad minus legalium hominum Sacramentis consistit*, L. 2. c. 7. Bracton uses it in like sort, as, *Assisa cadit in transgressionem, & Assisa cadit in perambulationem* L. 4. c. 30, 31. Fleta defines an Assise, in this signification, thus. *Assisa in jure possessionis, est quadam recognitio duodecim hominum juratorum, per quam Justiciarius certioratur de articulis in brevi contentis.* And Assise also, thus signifying, is said sometime to pass (*per modum assise*) and sometime in modum juratae; in manner of an Assise, when onely the Disseisin in question, is put to the tryal of the Twelve; in manner of a Jury, when any exception is objected to disable the interest of the Disseisee, and is put to be tried by the Twelve, before the Assise can pass.

**Assise** in this signification, is taken four ways, Old Nat. Br. fol. 105. The first is *Assise at large*, which is taken as well upon other Points, as upon the Disseisin. For example, where an Infant brings an Assise, and the Deed of his Ancestor is pleaded, whereby he claims his Right or founds his Title, then the Assise shall be taken at large: That is, the Jury shall enquire not onely whether the Plaintiff were disseised, or not, by the Tenant, but also of these Points, viz. Whether his Ancestor were of full age, of good memory, and out of Prison, when he made the Deed, pleaded. Another example, You may read in Littleton, cap. Estates upon Condition. The second manner is, when the Tenant, as it were, setting foot to foot with the Demandant, without farther circumstance,

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Old Nat. Br. fol. 17, 194 & 112. To assign Waste, is to shew, wherein especially the Waste is committed. Register of Writs, fol. 72. Assign in the general signification is used; Anno 20 Edw. 1. and 11 Hen. 6. cap. 2. in these words, Justices assigned to take Assises. And the Substantive Assignment hath the same signification; as the Assignment of a Lease, is the setting over, or transferring the Leases interest to another.

**Assignee**, Is he that is deputed or appointed by another to do any act, or perform any business, or enjoy any commodity; and he may be so, either by Deed, or in Law. Assignee by Deed, is when a Lessee of a term, sells and assigns the same to another, that other is his Assignee by Deed. Assignee by Law, is he whom the Law so makes, without any appointment of the person; as an Executor is the Assignee in Law to the Testator, who dies possessed of a Lease made to him and his Assignes Perkins (tit. Grants) says, An Assignee is he that possesses, or enjoys a thing in his own right; and Deputy, is he that does it in the right of another.

**Assise**, is derived from the French, *Assis*, i. *assessum, locatum, definitum*) and is diversely used. Littleton, Cha. Rents, says it is *Equivocum*, and sets down three significations of it. One, as it is taken for a Writ, another as it is used for a Jury, the third for an Ordinance. i. Assise is a Writ directed to the Sheriff for Recovery of Possession of things immoveable, whereof your self, or Ancestors have been disseised; and this is as well of things corporal, as incorporeal Rights, being of four sorts, viz.

**Assise of Novel Disseisin** (*Assisa nova Disseisina*) Lies where a Tenant in Fee-simple, Fee-tail, or for Life, is lately disseised of his Lands or Tenements, Rent-service, Rent-secck, or Rent-charge, Common of Pasture, &c. and divers other such like, of which you may read Glanville, lib. 10. cap. 2. Bracton, lib. 4. tract. 1. Britton, cap. 70. Reg. of Writs, fol. 197. Fitz. Nat. Br. fol. 177. Westm. 2. cap. 25. Anno 13 Edw. 1. And to this may aptly be added, the Bill of Fresh force; which is directed to the Officers or Magistrates of Cities or Towns-corporate, being a kinde of Assise, for Recovery of Possession in such places, within forty days after the force, as the ordinary Assise is in the County, Fitz. Nat. Br. fol. 7.

**Assise of Mort d'Ancester** (*Assisa mortis antecessoris*) Lies where my Father, Mother, Brother, Sister, Uncle, Aunt, &c. died seised of Lands, Tenements, Rents, &c. that he had in Fee-simple, and after his death a stranger abates: And it is good as well against the Abator, as any other in possession. How likewise this is extended, see Bracton, lib. 4. tract. 3. per totum. Britton, cap. 70. Fitz. Nat. Br. fol. 114. Reg. of Writs, fol. 223.

**Assise of Darrein presentment** (*assisa ultimae presentationis*) Lies where I or my Ancestor have

have presented a Clerk to a Church, and after (the Church being void by his death, or otherwise) a stranger presents his Clerk to the same Church, in my disturbance. And how often this Writ is used. See *Bracton*, lib. 4. tract. 2. *Register of Writs*, fol. 30. *Fitz. Nat. Br. fol. 195.*

**Assise de utrum** (*Assisa utrum*) Lies for a Parion against a Lay-man, or a Lay-man against a Parson, for Land or Tenement doubtful, Whether it be Lay-fee, or Free-alms. And of this see *Bracton*, lib. 4. tract. 5. cap. 1. & *seq. Britton*, cap. 95. The reason why these Writs are called *Assises*, may be divers. First, because they settle the Possession, and so an outward right in him that obtains by them. Secondly, They were originally executed at a certain time and place formerly appointed. For by the *Norman Law*, the time and place must be known forty days before the Justices sit on them: And by our Law there must be likewise fifteen days of preparation, except they be tried in the standing Courts at *Westminster*, as appears by *Fitz. Nat. Br. fol. 177. d. c.* Lastly, They may be called *Assises*, because they are tried most commonly by especial Courts, set and appointed for the purpose, as may be well proved, not only out of the *Customary of Normandy*, but our Books also: Which shew, That in ancient times Justices were appointed by special Commission, to dispatch Controversies of Possession, one or more, in this or that only County, as occasion fell out, or Disseins were offered, and that as well in Term time, as out of Term: Whereas of later days, we see that all these Commissions of *Assises*, of *Eyr*, of *Oyer* and *Terminer*, of *Goal-delivery*, and of *Nisi prius*, are dispatched all at one time, by two several Circuits in the year, out of term, and by such as have the greatest sway of Justice, being all of them the Kings Justices of either Bench, *Barons of the Exchequer*, or *Serjeants at Law*.

**Assise**, In the second signification, according to *Littleton*, is used for a Jury. For (to use his own example) it is set down in the beginning of the Record of an *Assise* of *Novel Disseisin*, *Assisa venit recognitura*, which is as much as to say, *Juratores veniunt recognituri*. He gives this reason why the Jury is called an *Assise*; Because, by Writ of *Assise*, the Sheriff is commanded, *Quod faciat duodecim liberos & legales homines de vicinico, &c. Videre Tenementum illud, & nomina eorum imbrevari, & quod summoneat eos per bonas summonitiones, quod sint coram Justiciariis, &c. parati inde facere recognitionem, &c.* This is (as if he should have spoken shorter) *Metonymia effecti*. For they are called the *Assises*, because they are summoned by virtue of the Writ so termed. And yet the Jury summoned upon a Writ of Right, is likewise called the *Assise*, as himself there confesseth. Which Writ of Right is not an *Assise*; but this may be said to be *expressum*, or abusively so termed. *Assise* in this signification is divided in *magnam* & *parvam*. *Glanville*, lib. 2. cap. 6 & 7, &c. and *Britton*,

cap. 12. Where it appears, wherein the Great *Assise* differs from the Petit *Assise*. The former four kinds of *Assises* used in Actions onely Possessory, are called *Petit Assises*, in respect of the *Grand Assise*. For the Law of Fees is grounded upon two Rights: One of Possession, the other, of Property. And as the *Grand Assise* serves for the Right of Property; so the *Petit Assise* serves for the Right of Possession. *Horns Mirror of Justices*, lib. 2. cap. De *Novel Disseisin*.

*Assise* in the third signification, according to *Littleton*, is an Ordinance or Statute of *Assise*; as the Statute of *Bread* and *Ale* made *Anno 51 Hen. 3.* is termed the *Assise* of *Bread* and *Ale* (*Assisa panis & cervisie*) *Reg. of Writ*, fol. 279. b.

**Assise of the Forest** (*Assisa de Foresta*) Is a Statute or Condition, touching orders to be observed in the Kings Forest. *Manwood*, part. 1. pag. 35. *Crompton* in the Court of Justices of the Forest, per totum, fol. 146. & *seq.* And *Assise of the King*, *Anno 18 Edw. 1. Stat. 1.* called *The Statute for view of Frank-Pledge*. These are called *Assises*, because they set down and appoint a certain measure, rate, or order in the things they concern. Of *Assise* in this signification, *Glanville* also speaks, *Lib. 9. cap. 10. in fine*, *Generaliter verum est quod de quolibet placito quod in comitatu deducitur & terminatur, misericordia, qua inde provenit, vicecomiti debetur: Quae quanta sit, per nullam assisam generalem determinatum est.* And thus much touching *Littletons* Division.

But if we mark well the Writers of the Law, we shall finde this word (*Assise*) more diversly used, then this Author hath noted. For it is sometime used for the measure or quantity it self, (and that per *Metonymiam effecti*) because it is the very scantline described or commanded by the Ordinance: For example, we say, When Wheat, &c. is of this price, then the Bread, &c. shall be of this *Assise*. This word is farther taken, for the whole Process in Court upon the Writ of *Assise*, or for some part thereof, as the Issue or Verdict of the Jury. For example, *Assises* of *Novel Disseisin*, &c. shall not be taken, but in their *Shires*, and after this manner, &c. *Mag. Char.* cap. 12. And so it seems to signifie, *Westm. 2. cap. 25. Anno 13 Edw. 1.* in these words, *Let the Disseisor allege no false exceptions, whereby the taking of the Assises may be deferred, &c.* And *Anno 34 Edw. 1. Stat. 2.* if it be found by *Assise*; the *Assise* is arraigned; to aver by the *Assise*; the *Assise* by their default shall pass against them. And also *Anno 1 Hen. 6. cap. 2.* *Assises* awarded by default of the Tenant, &c. Lastly, By *Merton*, cap. 4. *Anno 20 Hen. 3.* certified by the *Assise*; quit by the *Assise*, &c. And in this signification *Glanville* calls it *Magnam Assisam domini Regis: quae ex duodecim ad minus legalium hominum Sacramentis consistit*, L. 2. c. 7. *Bracton* uses it in like sort, as, *Assisa cadit in transgressionem, & Assisa cadit in perambulationem*, L. 4. c. 30, 31. *Fleta* defines an *Assise*,

*Assise*, in this signification, thus. *Assisa in jure possessorio, est quadam recognitio duodecim hominum juratorum, per quam Justiciarii certiorantur de articulis in brevi contentis.* And *Assise* also, thus signifying, is said sometime to pass (*per modum assise*) and sometime in *modum juratae*; in manner of an *Assise*, when onely the *Disseisin* in question, is put to the tryal of the Twelve; in manner of a Jury, when any exception is objected to disabie the interest of the *Disseisee*, and is put to be tryed by the Twelve, before the *Assise* can pass.

*Assise* in this signification, is taken four ways, *Old Nat. Br. fol. 105.* The first is *Assise at large*, which is taken as well upon other Points, as upon the *Disseisin*. For example, where an Infant brings an *Assise*, and the Deed of his Ancestor is pleaded, whereby he claims his Right or founds his Title; then the *Assise* shall be taken at large: That is, the Jury shall enquire not onely whether the Plaintiff were disseised, or not, by the Tenant, but also of these Points, viz. Whether his Ancestor were of full age, of good memory, and out of Prison, when he made the Deed, pleaded. Another example, You may read in *Littleton*, cap. *Estates upon Condition*. The second manner is, when the Tenant, as it were, setting foot to foot with the Demandant, without farther circumstance, pleads directly contrary to the Writ, *no wrong, no disseisin*. The third is, When the Tenant allegeth something by exception that must be tried by a Jury, before the principal cause can proceed: As if he plead *Foreign Release*, or *Foreign Matter tryable* in another County. For, in this case, the Justices refer the Record to the Court of *Common-Pleas*, for tryal of the *Foreign Pleas*, before the *Disseisin* can come to be decused. Of this sort read divers other examples in *Bracton*, lib. 4. part. 1. cap. 34. For there are of them (as he saith, and *Britton* also, cap. 52.) both dilatory and peremptory. The fourth and last manner is, *Assise of Right of Damages*; that is, when the Tenant, confessing an *Ouster*, and referring it to a *Demurrer* in Law, whether it were rightly done or not, is adjudged to have done wrong. For then shall the Demandant have a Writ to recover damages, called an *Assise to recover damages*, as also the whole Process.

*Assise* is further taken for the Court, place, or time, when and where the Writs and Processes of the *Assise* are handled or taken: And in this signification *Assise* is general; as when the Justices go their several Circuits, with their Commission, to take all *Assises* twice in the year, that is called the *General Assise*. It may likewise, in this signification, be special; as if an especial Commission be granted to certain persons (as was often done in ancient time, *Bracton*, lib. 2. cap. 11.) for taking an *Assise* upon one *Disseisin* or two; this would be called a *Special Assise*. And in this very signification, *Glanville* uses it, *Lib. 9. cap. 12.* See *Cokes*, 4 *Inst. fol. 158.*

Concerning the *General Assise*, in the most

usual signification, thus the Learned Sir Fr. Bacon.

**Al** the Counties of this Realm (says he) are divided into six Circuits, and two Learned Men are assigned by the Kings Commission to every Circuit, who ride twice a year through those Shires allotted to that Circuit; these we call Justices or Judges of *Assise*, who have five several Commissions by which they sit.

The first is a Commission of *Oyer* and *Terminer* directed to them, and many others of the best account in their Circuits. But in this Commission the Judges of *Assise* are of the Quorum; so as without them, there can be no proceeding. This Commission gives them power to deal with Treasons, Murders, and all manner of Felonies and Misdemeanors; and this is their largest Commission.

The second is of *Goal Delivery*, and that onely to the Judges themselves, and the Clerk of the *Assise* Associate; by this Commission they are to deal with every Prisoner in *Goal*, for what offence soever he be there.

The third Commission is directed to themselves onely, and the Clerk of *Assise*, to take *Assises*, by which they are called Justices of *Assise*; and the Office of these Justices, is to do right upon Writs called *Assise*, brought before them by such as are wrongfully thrust out of their Lands.

The fourth Commission is to take *Nisi Prius*, directed to none but the Judges themselves, and their Clerks of *Assises*; by which they are called Justices of *Nisi Prius*.

The fifth is a Commission of Peace in every County of their Circuit. And all the Justices of Peace, having no lawful impediment, are bound to be present at the *Assises*, to attend the Judges, as occasion shall fall out; if any make default, the Judges may set a Fine upon him at their pleasure and discretions. The Sheriff of every Shire is also to attend in person, or by a sufficient Deputy, allowed by the Judges, who may Fine him, if he fail, &c. See more in Sir Fr. Bacons Use of the Law, fol. 13. usque 21.

**Assisa Continuanda**, Is a Writ directed to the Justices assigned to take an *Assise*, for the continuance of the Cause, in case where certain Records alleged, cannot in time be procured by the party that would use them, *Reg. of Writs*, fol. 217.

**Assisa Prozoganda**, Is a Writ directed to the Justices of *Assise*, for stay of proceeding, by reason of the Kings business, wherein the party is employed. *Reg. of Writs*, fol. 208, & 221.

**Assisores**, (*assisores*) sunt qui *Assisas* conduunt, aut taxationes imponunt. *Spelman*. In Scotland (according to *Skene*) they are the same with our Jurors, and their Oath is this.

**Woe hal leil with cap,**  
And na leith conceal, far na thing we map,  
Sa far as we are charg'd upon this Assise,  
We God himself, and be our part of Paradise.  
And as we will answer to God, upon  
The dreadful day of Dome.



**Association** (*associatio*) Is a Patent sent by the King (either of his own motion, or at the suit of the Plaintiff) to Justices appointed to take Assizes of Novel Disseisin, or of Oyer and Terminer, &c. to take others unto them, as Fellows and Collegues in that affair. The examples, and sundry uses hereof you may finde in *Fitz. Nat. Br. fol. 185 & 111*. But more particularly in *Reg. of Writs, fol. 201, 206, 223*.

**Affoile** (*absolvere*) Signifies to deliver, pardon, or set free from an Excommunication. *Stamf. Pl. Cor. fol. 72*. to this effect; otherwise the Defendant should remain in prison, till the Plaintiff were affoiled; that is, delivered from his Excommunication. So in *1 Hen. 4. cap. 10*. Mention being made of King Edward the Third, it is added, *Whom God affoil*. *Henric. Duc de Lancastre, Count de Leicestre, de Derby & de Senesal Dengleterre, A tous ceux que ceste endenture verront ou oront salut en Dieu, Come nostre chere & bien ame cousin John de Blount eit en nostre mein renduz seiffaunte acres de terre ou les appartenances en Salsford en nostre Duebee de Lancastre les quels il avoit a luy & a ses Heirs du don & Escheint nostre tres honore Seigneur & pere, que Dieu affoile, &c. Dat. 30 Edw. 3.*

**Assumpfit** (from *Assumo*) Is a voluntary promise made by word, whereby a man assumes or takes upon him to pay or perform any thing to another. This word comprehends any verbal promise made upon consideration, which the Civilians exprets diversly, according to the nature of the promise, calling it sometimes *Passum*, sometimes *Promissionem*, *Pollitacionem*, or *Constitutum*.

**Atribilthet** or **Atribilthet**. (Sax.) *Hi qui pacem Regis habent, vel manu vel brevi, ei fideles existant — Quis nimis confidens in pace quam habet, per Superbiam alicui forsiterit, Jamnum restituet & iterum tantundem, quod Angli vocant Atribilthet*. LL. divi Edwardi, cap. 39. See *Hovedon*, pag. 606.

**Atia**. See *Odio & Atia*.

**At large**. See *Verdict at large*. *Littl. fol. 98*. To vouch at large, *Old Nat. Br. fol. 108*. To make title at large. *Kitchin, fol. 68*. See *Bar*.

**Attache**, (*attachiare*. From the Fr. *attacher*, i. figere, neilere, alligare) Signifies to take or apprehend by Commandment or Writ. *Lamb. (in his Eiren. lib. 1. cap. 16.)* makes this difference between an *Arrest*, and an *Attachment*, that an *Arrest* proceeds out of an Inferior Court by Precept, and an *Attachment* out of higher Courts, by Precept or Writ; and that a Precept to Arrest, hath these formal words, *Duci facias, &c.* And a Writ of *Attachment* these, *Præcipimus tibi quod attachies talem & habeas eum coram nobis, &c.* Whereby it appears, that he, who Arrests, carries the party Arrested to another higher person to be disposed of forthwith; he that attaches, keeps the party attached, and presents him in Court at the day assigned in the *Attachment*. Yet an *Attachment* sometimes issues out of a Court Baron, which is an Inferior Court, *Kitchin, fol.*

79. There is another difference, in that an *Arrest* lies onely upon the Body of a Man, and an *Attachment* sometimes on his Goods; which makes it in that particular differ from a *Capias*, in being more general: For, a man may be attached by an hundred Sheep (*Kitchin, fol. 263.*) but the *Capias* takes hold of the Body onely. See *Skene, Verbo, Attachiammentum*.

**Attachment by Writ**, differs from a *Distress* or *Distingas* in this, That an *Attachment* reacheth not to Lands, as a *Distress* doth, and that a *Distress* toucheth not the Body (if it be properly taken) as an *Attachment* doth, yet are they divers times confounded, as may appear by *Glanvil, lib. 10. cap. 3.* and *Fleta, lib. 2. cap. 66*. Howbeit, in the most common use, an *Attachment* is an apprehension of a Man by his Body, to bring him to answer the Action of the Plaintiff. A *Distress*, without a Writ, is the taking of a Mans Goods for some real cause, as Rent, Service, or the like, whereby to force him to Replevy, and so to be Plaintiff in an Action of *Trespass* against him that distrained him. See *Distress*.

**Attachment out of the Chancery**, is had of course, upon an *Affidavit* made, That the Defendant was served with a *Subpoena*, and appears not, or issueth upon not performing some Order or Decree. After the return of this *Attachment* by the Sheriff, *Quod non est inventus in Baliva sua* — Another *Attachment* with *Proclamation* issues out against him; and if he appears not thereupon, then a *Writ of Rebellion*. *West. part. 2. Symbol, tit. Proceedings in Chancery*.

**Attachment of Priviledge**, Is by vertue of a Mans Priviledge, to call another to that Court, whereto he himself belongs; and in respect whereof he is priviledged, to answer some Action. *New Book of Entries. Verbo, Priviledge, fol. 431*.

**Forem Attachment**, Is an Attachment of Goods or Money, found within a Liberty or City, to satisfie some Creditor of his within such City or Liberty. And, by the Custom of some places, as *London, &c.* a Man may attach Money or Goods in the hands of a Stranger, whilist he is within their Liberty. As it *A* ows *B* 10 l. and *C* ows *A* 10 l. *B* may attach this 10 l. in the hands of *C*, to satisfie himself for the Debt due from *A*. See *Calibrops Reports, pag. 66*.

There is likewise an *Attachment of the Forest*, which is one of the Three Courts there held; The lowest is called the *Attachment*; the mean, *Swaimote*; the highest, the *Justice in Eyre* seat. This Court of *Attachment* seems to be so called, because the *Verderors* of the Forest have therein no other Authority, but to receive the *Attachments* of Offenders against Vert and Venison, taken by the rest of the Officers, and to enrol them, that they may be presented or punished at the next *Justice Seat*. *Manwood, part. 1. pag. 93*. And this *Attaching* is by three means, By Goods and Chattels; by Body, Pledges, and Mainprize, or by the Body onely. The Court is kept every Forty days

days throughout the year. See *Crompton* in his *Court of the Forest*. The diversity of *Attachments* you may see in *Register of Writs*, under the word *Attachiammentum*, in *Indice*.

**Attaint** (*attinēda*) As it is a Substantive, is used for a Writ, that lies after Judgment, against a Jury, that hath given a false Verdict in any Court of Record (be the Action Real or Personal) if the Debt or Damages surmount the sum of 40 s. What the Form of the Writ is, and how in use, is expressed in *Fitz. Nat. Br. fol. 105*. and *New Book of Entries, fol. 84*. The reason why it is so called, is because the party that obtains it, endeavors thereby to touch or stain the Jury with Perjury, by whose Verdict he is grieved: And if the Verdict be found false, then the Judgment anciently was, That the Jurors Meadows should be ploughed up, their Houses broke down; their Woods grubbed up, and all their Lands and Tenements forfeited to the King: But if it pass against him that brought the *Attaint*, he shall be imprisoned and grievously ranomed at the Kings Will. See *Glanville, lib. 2. cap. 19*. *Smith de Repub. Angl. lib. 3. cap. 2. 11 Hen. 7. cap. 21 & 23 Hen. 8. cap. 3*. In what diversity of Cases this Writ is brought, see *Reg. of Writs in Indice*. It was anciently called *Breve de Convictione*. See *Coke on Littl. fol. 294. b*.

**Attainted** (*attinēsus*) Is used particularly for such as are found guilty of some crime or offence, and especially of Felony or Treason. Yet a Man is said to be attainted of Disseisin. *Westm. 1. cap. 24, & 36. Anno 3 Edw. 1.* And so it is taken in French, as *Esire attaint & waynec en aucun case, i. to be cast in any case. Britton. cap. 75*. uses the Participle *Attaint*, in the sense we say *attained unto*. A Man is attainted by two means, by Appearance, or by Process. *Stamf. Pl. Cor. fol. 44*. *Attainder* by Appearance is by Confession, by Battle, or by Verdict. *Confession* (whereof *Attaint* grows) is twofold; one at the Bar before the Judges, when the Prisoner, upon his Indictment read, being asked *guilty or not guilty*, answers *guilty*, never putting himself upon the Jury; the other is, before the Coroner in Sanctuary, where he upon his Confession, was, in former times constrained to abjure the Realm, which kinde also, of the effect, is called *Attainder by Abjuration*, *Stamf. fol. 182*. *Attainder* by Battle, is when the party, appealed by another, and chusing to try the truth by Combat, rather than by Jury, is vanquished. *Attainder* by Verdict, is when the Prisoner at the Bar, answering *not guilty* to the Indictment, hath an Enquest of Life and Death passing upon him, and is, by their Verdict, pronounced guilty. *Idem, fol. 108 & 192*. *Attainder* by Process, otherwise called *Attainder by Default*, or *Attainder by Outlawry*, is where a party flies, or doth not appear, until he hath been five times called publicly in the County Court, and at last upon his default is pronounced or returned *Outlawed*. The same Author (*fol. 108.*) makes a difference between *Attainder* and *Conviction*; with whom agrees the Statute, *Anno*

34 & 35 Hen. 8. cap. 14. and *Anno 1 Edw. 6. cap. 12*, in these words, *That then every such Offender, being duly thereof convicted, or attainted by the Lawes of this Realm, &c.* And I finde by *Stamf. (Pl. Cor. fol. 66.)* That a Man by our ancient Lawes, was said to be convicted presently upon the Verdict (*guilty*), but not to be attainted, until it appeared he was no Clerk, or being a Clerk, and demanded by his Ordinary, could not purge himself. And in one word it appears, That *Attainder* is larger then *Conviction*; *Conviction* being onely by the Jury: And *Attainder* is not before Judgment. *Perkins, Grants, num. 27, 29*. Yet it appears by *Stamf. fol. 9*. that *Conviction* is sometimes called *Attainder*: For there he says, the Verdict of the Jury does either acquit or attain a Man. And so it is, *Westm. 1. cap. 14*. This ancient Law touching the Conviction and Purgation of Clerks is altered by 23 *Eliz. cap. 2*. as you may read in *Clergy*.

**Attainder** (*attinēda* and *attinētura*) Is when a Man hath committed Treason or Felony, and after Conviction, Judgment hath passed upon him. The Children of a person Attainted of Treason cannot be Heirs to him, or any other Ancestor. And if he were noble and gentle before, he and his posterity are made base and ignoble: This corruption of Blood cannot be saved, but by Act of Parliament. See *Attainder*, and *Felony*.

**Attendant** (*attendens*) Signifies one that owes a duty or service to another, or depends on him. For example, there is *Lord, Mesn*, and *Tenant*, the *Tenant* holds of the *Mesn* by a penny, the *Mesn* holds over by two pence: The *Mesn* releases to the *Tenant* all the right he hath in the Land, and the *Tenant* dies; his Wife shall be endowed of the Land, and she shall be *Attendant* to the Heir of the third part of the penny, and not of the third part of the two pence. For she shall be endowed of the best Possession of her Husband. And where the Wife is endowed by the Guardian, she shall be *Attendant* to the Guardian, and to the Heir at his full age. *Kitchin, fol. 209*. With whom agrees *Perkins in Dower, 424*.

**Attermining**. — Also such as will purchase attermining of their Debts shall be sent into the Exchequer. *Ordinatio de libertatibus perquirendis. Anno 27 Edw. 1.* It comes from the Fr. *Attermoye*, i. That hath a term or time granted for the payment of a debt. So in this Statute, it seems, to signifie the Purchasing or gaining a longer time for payment of a debt. *Atterminent quarentes usque in proximum Parliamentum, Westm. 2. cap. 24*.

**Attorney** (*attornatus*) Is he that is appointed by another Man to do any thing in his stead; as much as *Procurator* or *Syndicus* in the Civil Law. *West* defines them thus, *Attorneys are such persons as by the Consent, Commandment, or Request of others, see to, and take upon them the charge of their business, part. 1. Symbol. lib. 2. sect. 559*. In ancient time, those of Authority in Courts, had it in their power, whether to

suffer men to appear, or sue by another then themselves, as is evident by *Fitz. Nat. Br. fol. 25.* in the Writ *Dedimus potestatem de Astornato faciendo*, where it is shewed, That Men were driven to procure the Kings Writs or Letters Patent to appoint *Attorneys* for them; but it is since provided by Statutes, that it should be lawful so to do, without any such circuit, as appears by 20 *Hen. 3. cap. 10.* — 6 *Edw. 1. c. 8.* — 27 *ejusdem, Stat. 2.* — 12 *Edw. 2. cap. 1.* — 15 *ejusdem, cap. unico.* — 7 *Rich. 2. cap. 14.* — 7 *Hen. 4. cap. 13.* — 3 *Hen. 5. cap. 2.* — 15 *Hen. 6. cap. 7.* and 17 *Hen. 7. cap. 2.* And you may see great diversity of Writs in the Table of the Register, wherein the King by his Writ commands the Judges to admit of *Attorneys*; whereby there grew at last so many unskilful *Attorneys*, and so many mischiefs by them; that for restraining them, it was enacted (4 *Hen. 4. cap. 18.*) that the Justices should examine them, and displace the unskilful. And again, (33 *Hen. 6. cap. 7.*) that there should be but a certain number of them in *Norfolk* and *Suffolk*. In what cases a Man at this day may have an *Attorney*, and in what not, see *Fitz. ubi supra*.

*Attorney* is either general, or special. *Attorney General* is he, who by general Authority is appointed to manage all our Affairs or Suits; As the *Attorney General of the King*, which is as much as *Procurator Caesaris* was in the Roman Empire. *Attorney General of the Duke of Cornwall.* *Furif. fol. 105.* *Attorney Special or Particular*, is he that is employed in one or more causes particularly specified; of whom you may read more at large in *Glanville, lib. 11. cap. 1.* and *Britton, cap. 126.* There are also, in respect of the divers Courts, *Attorneys at large*, and *Attorneys special*, belonging to this, or that Court only. The name is borrowed of the Normans, as appears by the *Customary, cap. 65.* Our old Latin word for it, seems to be *Responsalis*. *Bracton, lib. 4. cap. 31.*

*Attorney of the Court of the Dutchy of Lancaster* (*Attornatus Curia Ducatus Lancastrie*) Is the second Officer in that Court, and seems, for his skill in Law, to be there placed as *Assessor* to the Chancellor of that Court, being for the most part some Honorable Person, and chosen rather for some especial trust, reposed in him, to deal between the King and his Tenants, than for any great Learning; as was usual with the Emperors of Rome, in the choice of their Magistrates.

**Attournment** (from the Fr. *Tourner, i. vertere*) Is an acknowledgment of the Tenant to a new Lord. As when one is Tenant for Life, and he in Reversion, grants his right to another, it is necessary the Tenant for Life agree thereto, which is called *Attournment*, without which nothing passeth by the grant. But if the Grant be by Fine in Court of Record, he shall be compelled to *Attourn*. *Stat. 27 Hen. 8. cap. 16.* The words used in *Attournment* are these, *I agree me to the Grant made to you, or (more commonly) Sir, I attourn to you by force of the*

*same Grant*; or, *I become your Tenant*, or deliver to the Grantee a penny by way of *Attournment*. *Littl. lib. 3. cap. Attournment*, where you may finde divers other Cases, where to *Attournment* appertains, and that it is the transposing those duties, which the Tenant owed his former Lord, to another, as his Lord. *Attournment* is either by word, or by act, voluntary or compulsory, by the Writ *Per quia servitia*, (*Old Nat. Br. fol. 155.*) or sometimes by Distress. *Fitz. Nat. Br. fol. 147.* It may be made to the Lord himself, or to his Steward in Court. *Kitchin, fol. 70.* There is *Attournment in Deed*, and *Attournment in Law*. *Coke, vol. 6. fol. 113. a.* *Attournment in Law* is an Act, which though it be no express *Attournment*, yet in intendment of Law, it is of equal force. *Coke on Littl. fol. 309.*

**Attornato faciendo vel recipiendo**, Is a Writ, which a Man owing fute to a County, Hundred, or other Court, and desiring to make an *Attorney* to appear for him there (whom he doubts the Sheriff or Steward will not otherwise admit) purchaseth, to command him to receive such a Man for his *Attorney*, and admit his appearance by him. The form and other Circumstances whereof. See in *Fitz. Nat. Br. fol. 156.*

**Abage or Abifage**, Is a Rent or Payment which every Tenant of the Mannor of *Writtel* in *Essex*, upon St. Leonards day, 6 Novemb. pays to the Lord, viz. for every Pig under a year old ob; for every yearling Pig 1 d, and for every Hog above a year old 2 d, for the privilege of *Pawnage* in the Lords Woods. *Tob. Edmonds, Gen. Senescal. ibidem.*

**Audience Court** (*Curia Audientia Cantuariensis*) Is a Court belonging to the Archbishop of Canterbury, of equal authority with the *Arches*, though inferior, both in Dignity, and Antiquity, and is held in the Archbishops Palace. Of which, you may read more in a Book, entituled, *De Antiquitate Ecclesie Britannice Historia*, and 4 *Inst. fol. 337.*

**Audiendo & terminando**, Is a Writ, or rather a Commission directed to certain persons, when any Insurrection or great Misdemeanor is committed in any place; for the appeasing and punishment thereof, of which, you may read at large in *Fitz. Nat. Br. fol. 110.* See *Oyer* and *Terminer*.

**Audita querela**, Is a Writ that lies against him, who, having taken a Statute-Merchant, or Recognizance in the nature of a Statute Staple, or a Judgment or Recognizance of another, and craving, or having obtained execution of the same from the Major and Bailiffs, before whom, it was entred; at the complaint of the party, who entred the same, upon suggestion of some just cause, why Execution should not be granted, as a Release, or other Exception. This Writ is granted by the Lord Chancellor of England (upon view of the Exception suggested) to the Judges of either Bench, willing them to grant Summons to the Sheriff of the County, where the Creditor is, for his appearance

ance at a certain day before them. See more in *Old Nat. Br. fol. 66.* and *Fitz. Nat. Br. fol. 102.*

**Auditor** (Lat.) Is an Officer of the Kings, or some other great personage, who yearly, by examining the Accounts of all under Officers accountable, makes up a general Book; which shews the difference between their Receipts or Charge, and their Allowances, commonly called *Allocations*. As namely, the *Auditors of the Exchequer* take the Accounts of those Receivers, who receive the Revenues of the Augmentation, as also of the Sheriffs, Echeators, Collectors, and Customers. Of which, see the Statute 33 *Hen. 8. c. 83.* and 4 *part. Inst. fol. 106.*

**Auditor of the Prests or Imprests**, Are also Officers in the *Exchequer*, who take and make up the great Accounts of Ireland, *Berwick*, the Mint, and of any Money imprested to any Man for His Majesties service. See *Practise of the Exchequer, p. 83.*

**Auditor of the Receipts**, Is an Officer of the *Exchequer* who takes the Tellers Bills, and makes an Entry of them, and gives in every week to the Lord Treasurer, a Certificate of the Money received. He makes also *Debentures* to every Teller, before they pay any Money, and takes their Accounts. See 4 *part. Inst. fol. 107.*

**Adventure** (*rebus adventure*) Is a mischance causing the death of a Man, without Felony; as when he is suddenly drowned or burnt, by any disease or mischance, falling into the Water or Fire. *Britton, cap. 7.* where you may read how it differs from *Misadventure*, which see.

**Avenage** (Fr.) A certain quantity of Oats paid to a Land-lord in lieu of some other duties, or as a Rent from the Tenant.

**Avenor** (from the Fr. *avene, i. Oats*) Is an Officer of the Kings, who provides Oats for his Stable; and is mentioned Anno 13 *Car. 2. cap. 8.*

**Avera** (*quasi overa, à Gal. ouvrage, & ouvrage, velut operagium*) In *Doomsday*, *Grentbrigsh, Rex Fordham, sed tamen semper inveniat Averam vel 8 d. in Servicio Regis*. That is, a days work of a Ploughman, or 8 d. 4 *Inst. fol. 269.*

**Average** (*averagium*, from *Averia, i. Cattle*) Signifies Service which the Tenant owes the King, or other Lord, by Horse or Ox, or by Carriage with either; For in ancient Charters of Priviledges, we finde *Quietum esse de Averagiis*. Others probably derive it from the French (*ouvrage or œuvre, i. opus*) It hath two significations: First, *Rastal* mentions the Kings *Averages*, which I take to be the Kings carriage by Horse or Cart. Then, Anno 32 *H. 8. cap. 14.* and 1 *Jac. cap. 32.* it is used for a certain contribution that Merchants and others, do proportionably make towards their losses, who have their Goods cast into the Sea for the safeguard of the Ship, or of the Goods and Lives of them in the Ship, in time of a Tempest. And this contribution seems to be so cal-

led, because it is proportioned after the rate of every Mans *Average*, or Goods carried. In this last sence, it is also used in the Statute 14 *Car. 2. cap. 27.*

*Average*, Is also a little duty, which those Merchants, who send Goods in another Mans Ship, do pay to the Master of it, for his care of them, over and above the Freight; for in Bills of Lading it is expressed—*Paying so much Freight for the said Goods, with Frimage and Average accustomed.*

**Averbia capta in avertinam**, Is a Writ, for taking Cattle to his use, who hath his Cattle unlawfully taken by another, and driven out of the County where they were taken, that they cannot be Replevied. *Reg. of Writs, fol. 82.* When mention is made of one Beast, we say, *Quidam equus, vel quidam bos*; when of two or more, we do not say *Equi* or *boves*, but *tot averia*.

**Averment** (*verificatio*) From the Fr. *Averer, i. verificare, testari*) Signifies commonly an offer of the Defendant, to make good or justify an Exception pleaded in Abatement or Bar of the Plaintiffs Action; and it signifies the Att, as well as the offer of justifying the Exception. For, Anno 34 *Edw. 1. Stat. 2.* **The Demandant will offer to aver by the Assise of Jury, &c.** In the English *Nat. Br. fol. 57.* *These Errors shall be tried by Averment, &c.* And in 15 *Hen. 6. cap. 1.* **The Defendants shall have their Averment, to say, that, &c.** *Averment* is twofold, viz. general and particular; a general *Averment*, which is the conclusion of every Plea to the Writ, or in Bar of Replications, and other Pleadings (for Counts or Avowries in nature of Counts, need not be averred) containing matter Affirmative, ought to be averred, with an *hoc paratus est verificare, &c.* Particular *Averment*, is when the life of Tenant for Life, or Tenant in Tail is averred, &c. And an *Averment* contains as well the matter as the Form thereof. *Coke on Littl. fol. 362. b.*

**Averpeny** (*quasi average-peny*) Is Money contributed towards the Kings *averages*, or Money given to be freed thereof. *Rastals Exposition of words.* *Averpeny, hoc est, quietum esse de diversis Denariis pro averagiis Domini Regis.*

**Augmentation** (*augmentatio*) Was the name of a Court, erected 27 *Hen. 8.* as appears by the Twenty seventh Chapter of that years Parliament; to this end, that the King might be justly dealt with, touching the profit of such Religious Houses and their Lands, as were given him by Act of Parliament the same year, not Printed. For dissolving which Court, there was authority given Queen Mary, by the Parliament held the first of Her Reign. *Self. 2 Ca. 10.* Which She afterwards put in execution by Her Letters Patent. The Court took name from this, That the Revenue of the Crown was thought to be much augmented by the suppression of the said Houses, many of which, the King reserved to the Crown.

**Abifage**. See *Avage*.

**Aulneger**.

**Aulneger.** See *Alnager*.

**Aumone**, (Fr. *aumône*, i. an Alms) Tenure in *Aumone*, is a Tenure by Divine Service; so says *Britton*, fol. 164. As when Lands or Tenements are given in Alms, to some Church or Religious House, with Condition, that some Service or Prayers shall be offered at certain times, for the good and quiet of the Donors Soul, or otherwise. See *Frank Almin*.

**Aumonier** (Fr. *Aumônier*.) See *Almoner*.

**Auncel-weight** (*quasi* Hand-sale weight, or from *Ansa*, i. The handle of the ballance) Is a kinde of weight with Scales hanging, or Hooks fastned at each end of a Beam or Staff, which a Man lifted up upon his fore-finger or hand, and so discerned the equality or difference between the weight, and the thing weighed. In which, because there was wont to be great deceit, it was forbidden 25 *Edw. 3. Stat. 5. cap. 9.* 34 *Ejusdem*, cap. 5. and 8 *Hen. 6. cap. 5.* And the even ballance onely commanded; notwithstanding it is still used in some parts of England. By a Constitution made by *Henry Chicheley*, Archbishop of *Canterbury*, Anno 1430. *Pro abolitioe ponderis vocati Le Auncel weight seu Schelt seu Pounder, &c.* (*Dolo quodam statere genere*) qui utitur *Excommunicandus*.

**Auncient Demeasne.** See *Ancient Demeasne*.

**Avoidance** hath two significations; the one when a Benefice becomes void of an Incumbent; the other, when we say in Pleadings in *Chancery*, confessed or avoided, traversed, or denied, &c. See *Voidance*.

**Avowé** (*advocatus*) *Britton* (cap. 29.) saith, That *Avowé* is he to whom the right of *Advowzen* of any Church Appertains; so that he may present thereunto in his own name: And is called *Avowé*, for a difference from those that sometime present in another Mans name, as a Guardian that presents in the name of his Ward; and for a difference also from those, who have the Lands, whereto an *Advowzen* appertains, but onely for term of their lives, or of years, by Intrusion or Disseisin. See *Advowé*.

**Avowry** (Fr. *Advouerie*) Is where one takes a Distress for Rent, or other thing, and the other sues *Replevin*, then the taker shall justify in his Plea for what cause he took it; and if he took it in his own right, he ought to shew that, and so *avow* the taking, which is called his *Avowry*. But if he took it in the right of another, then, when he has shewed the Cause, he shall make Confusance of the taking, as Bailiff or Servant to him in whose right he did it. *Terms of the Law*. Anno 21 *Hen. 8. cap. 19.* For the more speedy and effectual proceeding upon Distresses and *Avowries* for Rents, see the Stat. 17 *Car. 2. cap. 7.*

**Avoir du pois** (Fr. *avoir du poids*, i. *Have pondus, aut jussu esse ponderis*) Signifies, First, a kinde of weight different from that which is called *Troy-weight*, containing but

Twelve ounces to the pound, whereas this hath Sixteen. And in this respect it is (probably) so called, because it is of more weight than the other. 2. It signifies such merchandises as are weighed by this weight, and not by *Troy-weight*, as in the Statute of *York*, 9 *Edw. 3. in Proem.* 27 *Edw. 3. Stat. 2. cap. 10.* and 2 *Rich. 2. cap. 1.* See *Weights*.

**Aurum Megina.** *Rot. Pat. Anno 52 Hen. 3. m. 26.* See *Queen Gold*.

**Austurcus.** A Goshawk; whence we usually call a *Faulkoner*, who keeps that kinde of Hawks, an *Ostringer*. Some ancient Deeds have reserved *Unum Austurcum*, as a Rent to the Lord.

**Awat** (13 *Rich. 2. cap. 1.* It is Ordained, That no Charter of Pardon from thenceforth shall be allowed before any Justice for Murder, or for the Death of a Man, slain by Awat, Assault, or Violence perpetrated, Treason or Rape of a Woman, unless the same be specified in the Charter, &c.) Seems to signify that which we now call *Way-laying*, or lying in Wait.

**Award** (from the Fr. *agarder*) *Proprie est Judicium ejus, qui nec à lege nec à Judice datur, ad dirimendam litem, sed ab ipsis litigantibus eligitur.* Is the judgment of him, who is chosen by two or more parties at variance, to determine the Controversie between them. *Distum, quod ad custodiendum seu observandum partibus imponitur.* Spel.

**Atom** (1 *Jac. cap. 33.* and 12 *Car. 2. cap. 4.*) A Measure of Rhenish-wine, containing forty Gallons: Yet I finde in a very old Printed Book thus — *The Wood of Rhenish-wine of Dordrecht is ten Awames, and every Awame is fifty Gallons.* Item, the Wood of Antwerp is xliij Awames, and every Awame is xxxv Gallons.

**Auxilium ad filium militem faciendum et filiam maritandam.** Was a Writ directed to the Sheriff of every County, where the King or other Lord had any Tenants, to levy of them reasonable Aid, towards the Knighting His Son, and the Marriage of His eldest Daughter. See *Aid*. *Fitz. Nat. Br. fol. 82.* and *An. 12 Car. 2. cap. 24.*

**Ayd.** See *Aid*.

## B.

**Bachelor** (*bachelarius*) of the Fr. *Bachelier*, i. *tyro*.) Whence I gather, those, that are called *Bachelors* of the Companies in *London*, are such of each Company, as are springing towards the estate of those that are employed in Council, but as yet are inferiours. For every Company of the Twelve, consists of a Master, two Wardens, the Livery, (which are Assistants in Matters of Council, or at the least, such as the Assistants are chosen out of) and the *Bachelors*, who are yet but in expectation of Dignity among them, and have their Function onely

onely in attendance upon the Master and Wardens.

**Bachelor** was anciently attributed to the Lord Admiral of England, if he were under a Baron. This word is used, Anno 13 *Rich. 2. Stat. 2. cap. 1.* and signifies as much as *Knight-Bachelor* does, 3 *Edw. 4. cap. 5.* that is, a Simple Knight, not a Knight Banneret, or Knight of the Bath.

*Sachez nous Roger de Mortimer Seigneur de Wygemore avoir donne & grante a nostre chier Bachelier, Monsieur Robert de Harley, pour son bon service & pour cent livres de argent, la garde du Corps Gilbert Filz & heir Sir Johan de Lacy, ensemblement avec le mariage mesmes celui Gilbert deyns age esteant en nostre garde, &c. Donne a Penebrugge l'an du regne le Roy Edward Filz le Roy Edward unzyme.* See *Baneret*.

**Bachberend** (Sax.) Signifies bearing upon the back, or about a Man. *Bracton* uses it for a sign or circumstance of manifest theft, (called by the Civilians *Furtum manifestum*) which he defines thus, *Ubi latro deprehensus est seiscitus de aliquo latrocinio*, &c. *Banhabend & Bachberend*, & *insecutus fuerit per aliquem cujus res illa fuerit*, *Lib. 3. tract. 2. cap. 32.* *Manwood* (2 *pa. For. Laws*) Notes it for one of the four Circumstances or Cases, wherein a Forester may arrest the Body of an Offender against Vert or Venison in the Forest. For by the Assise of the Forest of *Langcaster* (says he) taken with the manner, is, when one is found in the Kings Forest in any of these four degrees. *Stable Stand, Dog-draw, Back-bear, and Bloody-hand.* Which see in their proper places.

**Badger** (from the Fr. *Bagagier*, i. A Carrier of Luggage) Signifies with us one that buys Corn or Victuals in one place, and carries it to another, to make profit by it. See *Cromptons Just. of Peace*, fol. 69, 70.

**Bail** (from the Fr. noun *Bail*, i. A Guardian or Goaler) Is properly used for the freeing or setting at liberty of one arrested or imprisoned upon Action, either Civil or Criminal, under surety taken for his appearance at a day and place certain. *Bracton*, *lib. 3. tract. 2. cap. 8. num. 8 & 9.* The reason why it is called *Bail*, is, because by this means the party Restrained, is delivered into the hands of those that bind themselves for his forth-coming. There is both common and special *Bail*; *Common Bail* is in Actions of small prejudice or concernment, being called *Common*, because any Sureties in that case, are taken; whereas in Causes of greater weight, as Actions upon Bond or Specialty, *Special Bail* or Surety must be taken, as Subsidy Men at least, and they according to the value. *Manwood*, in his first part of *Forest Laws*, pag. 167. says, there is a great diversity between *Bail* and *Mainprise*. For he that is *Mainprised*, is always said to be at large, and to go at his own Liberty out of Ward, from the time he is *Mainprised*, till the day of his appearance: But otherwise it is, where a Man is let to *Bail* by four or two Men, by the Lord Chief Justice in *Eyre*, until a cer-

tain day; for there he is always accounted by the Law, to be in their Ward, and custody for the time: And they may, if they will, keep him in Ward or Prison. So that he who is so *bailed*, shall not be said by the Law, to be at large, or at his own liberty. See *Lumb. Eiren lib. 3. cap. 2. pag. 330.* *Bail* is also a certain Limit within the Forest, as it is divided into the charges of several Foresters. *Crompton* in the Oath of *Bow-leaver*, fol. 201. See *Mainprise*, and 4 *Instit. fol. 178.*

**Bailiff** (*Balivus*) As the name, so the Office it self in ancient time was answerable to that of France, where there are Eight Parliaments, which are high Courts, whence lies no Appeal; and within the Precincts of those several parts of that Kingdom, which belong to each Parliament, there are several Provinces, to which Justice is ministrified by certain Officers called *Bailiffs*. So in England we see many several Counties, in which, Justice hath been ministrified to the Inhabitants by the Officer, whom we now call *Sheriff* or *Vicount* (the one name descending from the Saxons, the other from the Normans.) And though I cannot expressly prove, That this *Sheriff* was ever called a *Bailiff*, yet it is probable that was one of his names also; because the County is often called *Baliva*, a *Bailywick*. As namely, in the Return of a Writ, *Non est inventus in Baliva mea*, &c. *Kitchin Returna Brevisium*, fol. 285. And in the Sheriffs Oath, the County is called his *Bailiwick*. I think the word *Bailiff* used in *Magna Chart. cap. 28.* and 14 *Edw. 3. Stat. 1. cap. 9.* compriseth as well *Sheriffs* as *Bailiffs* of Hundreds. But as the Realm is divided into Counties, so every County is again divided into Hundreds; within which, it is manifest, that in ancient time the Kings Subjects had justice ministrified to them by the several Officers of every Hundred, which were called *Bailiffs*, as those Officers do in France and Normandy, being chief Officers of Justice within every Province. *Grand Customary of Norm. cap. 1.* And it appears by *Bracton* (*lib. 3. tract. 2. cap. 34. num. 5.*) that *Bailiffs* of Hundreds might hold Plea of Appeal and Approvers. But since that time these Hundred Courts (certain Franchises excepted) are by the said Statute of 14 *Edw. 3.* swallowed into the County Courts, as you may read in *County and Hundred*. And now the *Bailiffs* name and office is grown into such contempt, at least these *Bailiffs* of Hundreds, that they are now but bare Messengers and Mandataries within their Liberties, to serve Writs, and such vile Offices; for which see *Crompt. Just. of Peace*, fol. 49. a. Yet is the name otherwise still in good esteem; for the chief Magistrates in divers Corporate Towns, are called *Bailiffs*, as of *Ludlow*, *Leominster*, &c. And again, there are certain persons to whom the Kings Castles are committed, who are called *Bailiffs*, as the *Bailiff* of *Dover Castle*.

These ordinary *Bailiffs* are of two sorts, *Bailiffs Errant*, and *Bailiffs of Franchises*. *Bailiffs*

**liffs Errant** (*Balivi Itinerantes*) are those whom the Sheriff appoints to go up and down the County to serve Writs, Summon the County Sessions, Assizes, and such like. **Bailiffs of Franchises** (*Balivi Franchisarum aut Libertatum*) are those who are appointed by every Lord within his Liberty, to do such Offices therein, as the **Bailiff Errant** does at large in the County. Of these read Sir *Ihu. Smith de Repub. Angl. lib. 2. cap. 16.* There are also **Bailiffs of the Forest** (*Manwood, part. 1. pag. 113.*) and **Bailiffs of Husbandry**, belonging to private Men of good Estates, who are so called, because they dispose of the under servants, every Man to his labor and task, check them for unidoing their business, gather the profits to their Lord and Masters use, and deliver an account thereof at the years end, or otherwise as it shall be called for.

The Office or Duty of a **Bailiff** of a Manor, or Houshold (which in ancient time seems to have been all one.) *Fleta* well describes, *Lib. 2. cap. 72 & 73.* The word **Balivus** is derived from *Baal, i. Dominus; quia Balivi Dominantur suis subditis, quasi eorum Magistri & Domini.*

**Bailiff of the Moot.** See *Moot.*  
**Bale** (Fr.) A Pack, or certain quantity of Merchandise; as a **Bale** of Spicery, of Books or Thred. I finde the word in the Statute 16 *Rich. 2. cap. 1.* and fill in use. And **Ballot** (Fr.) a little Pack.

**Balenger.** Seems to have been a kinde of Barge, or Water-vessel, by the Statute 28 *H. 6. cap. 5.*

**Baliba.** Statute of Marlbridge, 52 *Hen. 3. cap. 2.* — *Ubi Balivum habeat vel jurisdictionem.* Here **Baliva** is well expounded by the Statute it self; for in this place it signifies Jurisdiction. *Cokes 2 Inst. fol. 105.*

**Balibo amobendo.** Is a Writ to remove a **Bailiff** out of his Office, for want of sufficient living within his *Bailiwick.* *Reg. of Writs, fol. 78.*

**Balkers** or **Balcoza.** See *Conders.*  
**Ban** or **Bana** (*Bannum*) from the British *Ban, i. Clamor,* Is a Proclamation or publick notice given of any thing. This word **Bans** we use in publishing Matrimonial Contracts in the Church, before Marriage, to the end, If any Man can speak against the intention of the parties, either in respect of Kinred, Pre-contract, or otherwise, they may take their Exception in time. And in the Canon Law, *Banna sunt Proclamationes sponsi & sponsae in Ecclesiis fieri solite.* Yet our word **Banning** seems to come thence, being an Exclamation or Cursing. *Bracton* mentions *Bannus Regis*, for a Proclamation or Silence made by the Court, before the Congress of the Champions in a Combat, *Lib. 3. tract. 2. cap. 21.* — *In terra sua ditionis Bannum, i. Interdictum misit, quod est prohibitio, ut nullus fur vel latro esset, &c.* Hist. Norm. edit. Anno 1619, fol. 85. b.

**Bane,** (from the Sax. *bana,* A Killer or Murderer) Signifies the destruction or over-

throw of any thing; As I will be the **Bane** of him, is a common saying: And he who was the cause of another Mans drowning, is said to be *Labane, i. Malefactor.* *Bracton, l. 2. tract. 8. cap. 1.*

**Baneret.** (*Baneretus, Eques vexillarius, or Miles vexilliferus*) Is a Knight made in the Field, with the Ceremony of cutting off the point of his Standard, and making it a Banner, according to Sir *Ihu. Smith* in his *Repub. Angl.* Others add, That Blood must be first drawn in the Field. They are allowed to display their Arms in a Banner in the Kings Army, as *Barons* do. *Camden* in his *Britan. fol. 109.* hath these words, *Banereti, cum Vassalorum nomen jam desierat, a Baronibus secundi erant; quibus inditum nomen a Vexillo, Concessum illis erat Militari virtutis ergo quadrato vexillo (perinde ac Barones) uti, unde & Equites Vexillarii a nonnullis vocantur, &c.* Some maintain a **Baneret** ought not to be made in a Civil War, but I finde in Sir *Rich. Bakers Chron. fol. 260.* That Henry the Seventh made divers **Banerets** upon the Cornish Commotion in the year 1495. Of creating these knights, read *Seagar-Norroy* his Book, *Lib. 2. cap. 10.* and *Seldens Titles of Honor, fol. 799.* That they are next to *Barons* in Dignity, appears by the Statute 14 *Rich. 2. c. 11.* and 5 *Rich. 2. Stat. 2. cap. 4.* They were anciently called by Summons to the Parliament. And we finde that a **Baneret**, for Praying a Pardon for a Murderer contrary to the Statute, is subject to the same punishment with a *Baron*, 13 *Rich. 2. Stat. 2. cap. 1.* *Will. de la Pole* was created **Baneret** by Edward the Third, by Letters Patent, *Anno Regni sui 13. Memb. 13.* Those **Banerets**, who are created *sub Vexillis Regiis, in exercitu Regali, in aperto bello, & ipso Rege personaliter presente, explicatis,* take place of *Baronets*; as appears by the Letters Patent for Creation of *Baronets.* See *Cokes 4 Inst. fol. 6.*

**Bank** (Lat. *Bancus, Fr. Banque*) Hath two significations; the first, (and that most noble) is a Seat or Bench of Judgment, as *Bank le Roy,* the Kings Bench, *Bank de Common Pleas,* the Bench of Common Pleas, or the Common Bench, called also in Latin *Bancus Regius & Bancus Communium Placitorum.* The second is a *Bank*, where a great sum of Money is let out to use, returned by exchange, or otherwise disposed to profit. *Jus Banci,* or the Privilege of the Bench, was anciently allowed onely to the Kings Judges, *Qui summam administrant justitiam*; for Inferior Courts, such as Court Barons, and Hundred Courts, were not allowed that Privilege. Since, at this day, the Hundred Court of *Freibridge, in Norfolk,* is held under an Oak at *Geywood*; and the Court for the Hundred of *Woolsey* in *Heresfordshire,* is held under an Oak near *Astton* in that County, which is called the *Hundred Oak.* See *Free-Bench.*

**Bankrupt** (*quasi Bancus ruptus*) Because when the *Bank* or Stock is broken or exhausted, the owner is said to be a **Bankrupt,** *Anno 34 Hen.*

34 *Hen. 8. cap. 4.* and 1 *Jac. 15.* He is thus described.

**A**ll and every such person and persons using, or that shall use the Trade of Merchandise, by way of Bargaining, Exchange, Bartery, Chevisance, or otherwise in Grofs, or by seeking his, her, or their Trade of Living by Buying and Selling, and being a Subject born of this Realm, or any the Kings Dominions, or Denizen, who at any time since the First day of this present Parliament, or at any time hereafter shall depart the Realm, or begin to keep his other House or Houses, or otherwise, to absent him, or herself, or take Sanctuary or suffer him or herself willingly to be arrested for any debt or other thing, not grown or due, for Money delivered, Wares sold, or any other just or lawful cause, or good consideration or purposes, or bath or will suffer him or herself to be outlawed, or yield him or herself to prison; or willingly, or fraudulently bath, or shall procure him or herself to be arrested, or his or her Goods, Money, or Chattels to be attached, or sequestred, or depart from his or her Dwelling-house, or make or cause to be made any Fraudulent Grant, or Conveyance of his, her, or their Lands, Tenements, Goods, or Chattels, to the intent, or whereby his, her, or their Creditors, being Subjects born, as aforesaid, shall, or may be defrauded or delayed for the recovery of their just and true Debt; or being Arrested for Debt, shall, after his or her Arrest, lie in Prison Six Months, or more, upon that Arrest, or any other Arrest or Detention in Prison for Debt, and lie in Prison Six Months upon such Arrest or Detention, shall be accounted and adjudged a Bankrupt to all intents and purposes.

But by Act 14 *Car. 2. cap. 23.* it is provided, That no person whatsoever, who shall adventure in the *East-India,* or *Cuiney* Company, or in the *Royal Fish* Trade, shall be esteemed a Merchant or Trader within any Statute tor *Bankrupts,* or lyable to the same.

**Bannum** et **Banteuga,** A Territory, Precinct, or the utmost Bounds of a Mannor or Town; so it is used 47 *Hen. 3. Rot. 44.* *Carta Canuti Regis Canobio Thorncie—Notum facio, me elemosinam nostram Christo concessisse & omnibus Sanctis suis—viz. primo terram illam a Twiwellia usque Thorney, ubi Bannum nostrum cessat.*

**Bannishment** (*Fr. Bannissement*) Hath a known signification; but there are two kinds of it, one voluntary and upon Oath, whereof you may read *Abjuration*; the other upon compulsion for some offence or crime; as if a Layman succor him, who, having taken Sanctuary for an offence, obstinately refuses to abjure the Realm, he shall lose his life, if a Clerk do so, he shall be banished. *Stamf. Pl. Cor. fol. 117.*

**Baratoz.** See *Barator.*  
**Barbican** (*Barbicanum*) A Watch-Tower, Bulwark, or Brest-work. *Mandatum est Johanni de Kilmington Custodi Castri Regis & Honoris de Pickering, quoddam Barbicanum ante portam*

*Castri Regis prædicti muro lapideo, & in eodem Barbicano quoddam portum cum ponte versatili, &c. de novo facere, &c.* 1 *Rege, 10. Aug. Claus. 17 Edw. 2. m. 39.*

**Barcaria** or **Barcarium,** A Sheep-coat, and sometimes a Sheep-walk. *M. S. de Placit. Ed. 2. See Barcaria.*

**Barclias** *Heard.* See *Clack.*  
**Bargain and Sale,** Is properly a Contract made of Mannors, Lands, and other things, transferring the property thereof from the Bargainer to the Bargaine, which ought to be in consideration of Money; it is a good Contract for Land, &c. and the Fee passeth, though it be not laid in the Deed (*To have and to hold, to him and his heirs,*) and though there be no Livery and Seisin given by the Vendor; so it be by Deed indented, sealed, and enrolled, either in the County where the Land lies, or in one of the Kings Courts of Record at *Westminster,* within six months after the date of the Deed. 27 *Hen. 8. cap. 16.* Such *Bargain and Sale* may also be made by Lease and Release, without either Livery or Enrolment.

**Barharp** (*barkaria, corculum*) A Tan-house, Heath-house, or Houfe to keep Bark in. *New Book of Entries, tit. Assise corp. Polit. 2.*

**Baron** (*baro*) Hath divers significations. First it is a degree of Nobility next a Viscount. *Bracton* (*Lib. 1. cap. 8. numb. 4.*) says, *Sunt & alii Potentes sub Rege, qui dicuntur Barones, quasi, ruber belli.* In which signification it agrees with other Nations, where *Barones* are as much as *Provincia.* So as *Barons* are such as have the Government of Provinces, as their Fee holden of the King, some having greater, some lesser authority within their Territories. Yet it is probable, that of old here in *England,* all those were called *Barons* that had such Seignories or Lordships, as we now call *Court Barons,* who are at this day called *Seigneurs* in *France:* And the Learned in our Antiquities, have informed us, That not long after the Conquest, all such came to the Parliament, and sat as *Peers* in the Lords Houfe. But when by experience it appeared, that the Parliament was too much thronged with such multitudes, it was in the Reign of King *John* ordained, That none but the *Barones Majores* should for their extraordinary wisdom, interest, or quality, be summoned to Parliament. After that, again Men seeing this estate of Nobility to be but casual, and depend merely upon the Princes pleasure, they sought a more certain hold, and obtained of the King Letters Patent of this Dignity, to them, and their Heirs male; who were called *Barons* by Letters Patent, or by Creation, whose posterity are now by inheritance, and true descent of Nobility, those *Barons* that are called Lords of the Parliament, of which kinde, the King may create at his pleasure.

Nevertheless, there are yet *Barons* by *Writ,* as well as *Barons* by *Letters Patent.* Those *Barons* who were first by *Writ,* may now justly also be called *Barons* by *Prescription,* for that they



they and their Ancestors have continued *Barons*, beyond the Memory of Man. The original of *Barons* by Writ, Camden (in his *Britan.* pag. 109.) refers to Henry the Third. *Barons* by Letters Patent, or Creation commenced 11 Rich. 2. The manner of whose Creation read in *Seldens titles of Honor*, fol. 687. *Ferns Glory of Generosity*, pag. 125, 126. To these Seager (lib. 4. cap. 13. Of Honor, Civil, and Military) adds a third kinde of Baron, calling them *Barons by Tenure*, which are some of our Ancient Barons, and likewise the Bishops, who, by virtue of Baronies annexed to their Bishopricks, always had place in the Lords House of Parliament, and are termed *Lords Spiritual*.

*Baron* in the next signification, is an Officer, as *Barons of the Exchequer*, of whom, the principal is called *Lord chief Baron* (*Capitalis Baro*), and the three other are his Assistants in Causes of Justice, between the King and his Subjects, touching matters appertaining to the *Exchequer*, and the Kings Revenue. The *Lord Chief Baron*, is the chief Judge of the Court, and in Matter of Law, Information and Plea answers the Bar, and gives order for Judgment thereupon. He alone in the Term time sits upon *Nisi prius*, that come out of the *Kings Remembrancers Office*, or out of the Office of the Clerk of the Pleas, which cannot be dispatched in the mornings for want of time. He takes Recognizances for the Kings Debts, for appearances and observing orders. He takes the presentation of all the Officers in Court under himself, and of the Lord Major of London, and sees the *Kings Remembrancer* give them their Oaths. He takes the Declaration of certain Receivers accounts of the Lands of the late Augmentation made before him, by the Auditors. He gives the two *Parcel-makers* places by virtue of his Office.

The second *Baron*, in the absence of the Lord chief Baron, answers the Bar and takes Recognizances as aforesaid. He gives yearly the Oath to the late Major of London, for the true account of the profits of his Office. He takes certain Receivers accounts, and examines the Letters and Sums of such Sheriffs Forcible Accounts; as also the Accounts of Escheators and Collectors of Subsidies and Taxes, as are brought him by the Auditor of the Court.

The third *Baron*, in the absence of the other two, answers the Bar and takes Recognizances as aforesaid. He gives yearly the Oath to the late Major and Gawger of London for his true accounting. He also takes certain Receivers Accounts, and examines the Letters and Sums of such of the former Accountants, as are brought unto him.

The fourth *Baron*, is always a Cursitor of the Court; as the days prefixed, he takes Oath of all High Sheriffs, and their Under Sheriffs, Bailiffs, and other Accomptants, for their true accounting. He takes the Oath of all Collectors, Comptrollers, Surveyors, and Searchers of the Custom-houses, that they have made true Entrances in their Books. He appoeth all Sheriffs upon their Summons of the Pipe in open Court;

and informs the rest of the *Barons* of the Course of the Court, in any Matter that concerns the Kings Prerogative. He likewise examines such Accounts as are brought to him.

These *Barons of the Exchequer* are ancient Officers; for I finde them named in *Westm.* 2. cap. 11. Anno 13 Edw. 1. and they are called *Barons*, because *Barons* of the Realm were wont to be employed in that Office. *Fleta*, lib. 2. cap. 24. Their Office is to look to the Accounts of the Prince, and to that end, they have *Auditors* under them; as also to decide all Causes appertaining to the Kings Revenue, coming into the *Exchequer* by any means; as in part is proved by the Statutes of 20 Edw. 3. cap. 2. and 27 ejusdem, Stat. 2. cap. 18. 5 Rich. 2. Stat. 1. cap. 9. and 12 & 14 ejusdem, cap. 11. Whereupon they have been of late persons learned in the Laws, whereas in ancient time they were *Majores & Discretiores in Regno, sive de Clero essent, sive de Curia*.

There are also *Barons of the Cinque Ports*, Anno 31 Edw. 3. Stat. 2. cap. 2. and 33 Hen. 8. cap. 10. which are two in every of these Towns, *Hastings, Winchelsey, Rye, Rummey, Hithle, Dover*, and *Sandwich*, who have places in the Commons House of Parliament. See *Seldens Titles of Honor at large*, fol. 687. & seq.

*Baron* in the third signification, is used for the Husband in relation to his Wife.

The chief Magistrates of London were also called *Barons*, before there was a Lord Major, as appears by the City Seal, as also by their ancient Charters—*Henricus (3) Rex. Sciatis nos concessisse & hac presenti Carta nostra confirmasse Baronibus nostris de Civitate nostra London. quod elegant sibi Mayer de seipis singulis annis, &c.* See *Spelman's Gloss.* at large upon this word.

*Baronet* (*Baronetus*) Is a dignity or degree of Honor which hath precedence before all *Baronets*, *Knights of the Bath*, and *Knights-Bachelors*, except such *Baronets* as are made *Sub vexillis Regis, in exercitu Regali, in aperto bello & ipsi Rege personaliter presente*.

This Order of *Baronets*, King James created in the year 1611. with such precedence as aforesaid, and other privileges, &c. as may appear in *Rot. Pat. 10 Jac. part. 10. m. 8. & 14 Jac. part. 2. m. 24.* with an *Habendum sibi & Hæredibus masculis, &c.* See *Baronet*. Where *Baronets* are mentioned in our old Statutes and ancient Authors, it is mistaken for *Baronets*, 2 Inst. fol. 667. And *Seldens Titles of Honor*, fol. 736.

*Barony* (*Baronia*) Is the Dignity, Territory, and Fee of a *Baron*; under which notion, are comprehended not only the Fees and Lands of *Temporal Barons*, but of Bishops also, who have two estates, one as they are *Spiritual Men*, by reason of their *Spiritual Revenues* and *Promotions*, as was the Tribe of *Levi* among the *Israelites*. The other grew from the bounty of our English Kings, whereby they have *Baronies*, and Lands so called, and are thereby *Barons* or *Lords of Parliament*.

This

This *Barony* (as *Bracton* says, *Lib. 2. cap. 34.*) Is a right indivisible; and therefore, if an Inheritance be to be divided among Coparceners, though some capital Messuages may be divided, yet, *Si capitale Messuagium sit caput Comitatus, vel caput Baronie*, they may not be parcelled. The reason is, *Ne sic caput per plures particulas dividatur, & plura jura Comitatus & Baroniarum deveniant ad nihilum, per quod deficiat regnum, quod ex Comitibus & Baronis dicitur esse constitutum*. The Mannor of *Burford* in the County of *Salop*, was found by Inquisition, *cast 40 Edw. 3. Teneri de Rege ad inveniendo 5 homines pro Exercitu Wallie, & per servitium Baronie*, and the Lord thereof (Sir Gilbert Cornwal) is called *Baron of Burford*; but is no *Baron of Parliament*.

*Barrator* or *Barater* (Fr. *Barateur*, i. a Deceiver) Is a common mover or maintainer of Suits, Quarrels, or Parts, either in Courts or elsewhere in the Country, and is himself never quiet, but at variance with one or other. *Qui cum Terentiano Davo omnia perturbat*. To this purpose read *Lamb. Eiren.* pag. 342. who says also, That *Barretur* (for so he writes it) may come from the Latin *Baratro* or *Balatro*, a vile Knave, or Thurst; and by a Metaphor, a Spot in a Commonwealth. See the Statute of *Champerty*, 33 Edw. 1. Stat. 2. and *Westm.* 1. cap. 32. Skene, in the word *Barratry*, says, That *Barrators* are Symonists, so called of the Italian word *Barrataria*, signifying Corruption or Bribery in a Judge, giving a false sentence for Money; whom you may read more at large, as also *Hortensius Cavalcantius*, in his *Traet. de Brachio Regio, parte 5. num. 66.*

*Barraster* (*Barrasterius*, *Repagularis Causidicus*) See *Utter-Barraster*.

*Barre* (Fr. *Barriere* or *Barre*) Signifies legally a destruction for ever, or taking away for a time the action of him that hath right; and it is called a *Plea in Bar*, when such a *Bar* is pleaded. *Coke on Littl.* fol. 372. *Plowden; in Colthursts Case*, fol. 26 & 28. And *Brook*, tit. *Barre*, num. 101. and 5 Hen. 7. fol. 29.

This word is also used for a Material *Bar*, as the place where Serjeants at Law or Counsellors stand to plead Causes in Court, or Prisoners to answer their Indictments; whence our Lawyers, who are called to the *Bar*, or Licensed to plead (in other Countreys called *Licenciati*) are termed *Barristers*, 24 Hen. 8. cap. 24. See *Blank-bar*.

*Bar Fee*, Is a Fee of xxd, which every Prisoner, acquitted of Felony, pays to the Goaler, *Crompt. Just. of Peace* fol. 158.

*Barrel*, Is a Measure of Wine, Oyl, &c. containing the eighth part of a Tun, the fourth of a Pipe, and the moyety of a Hoghead, that is, Thirty one Gallons, and a half, Anno 1 Rich. 3. cap. 13. But the quantity of this Vessel seems to differ according to the Liquor; for a *Barrel of Beer* contains Thirty six Gallons, the *Kilderkin* Eighteen, and the *Firkin* Nine. A *Barrel of Ale* Thirty two Gallons, the *Kilderkin* Sixteen, and the *Firkin* Eight.

Anno 23 Hen. 8. cap. 4. and 12 Car. 2. cap. 23. —The said *Mise* of 32 Gallons of Wine-measure, which is about 28 Gallons of old Standard, well packed, and containing in every Barrel usually, a thousand full Herrings, at least, is, and shall be taken for good, true, and lawful *Mise* of recking Barrels. Anno 13 Eliz. cap. 11.

*Barriers* (Fr. *Barrieres*) Signifies with us, that which the French call (*Jeu de Barres*, i. *Palestram*) A Martial Exercise of Men, armed and fighting together with short Swords, with-in certain Bars or Rails, whereby they are severed from the Beholders; now disuse.

*Barter* (from the Span. *Baratar*, i. To sell cheap, or to deceive or cheat in Bargaining) Signifies with us to exchange one commodity for another, to truck Wares for Wares. Anno 1 Rich. 3. cap. 9. And so *Barry* the Substantive. 13 Eliz. cap. 7. The reason may be, because they that chop and change in this manner, do endeavor for the most part, one to over-reach, or deceive the other. See *Barrator*.

*Barton*, In *Devonshire*, and the West of England. Is used for the Demefn Lands of a Mannor; for the Mannor-house it self; and in some places for Out-houses, and Fold-yards. In the Statute 2 & 3 Edw. 6. cap. 12. *Barton Lands* and *Demefn Lands* are used as Synonims. See *Berton*.

*Base Court*, (Fr. *Cour Basse*) Is any Court, not of Record, as the *Court Baron*. Of this read *Kitchin*, fol. 95, 96, &c.

*Base Fee*. See *Base Estate*.

*Base Estate* (Fr. *Bas Estat*) Signifies, that Estate which *Base Tenants* have in their Lands. *Base Tenants* are those (according to *Lamb. verbo, Paganus*) who perform inferior Villanous service to their Lords. *Kitchin*, fol. 41. makes *Base-tenure* and *Frank-tenure* to be contraries, and puts Copiholders in the number of *Base Tenants*; whence it may be gathered, that every *Base Tenant* holds at the will of the Lord; yet that there is a difference between a *Base Estate* and *Villanage*; which *Fitzherbert* in his *Nat. Br.* fol. 12. seems to confound. For to hold in pure Villanage, is to do all that the Lord will command him. So that if a Copiholder have but *Base Estate*, he, not holding by the performance of every Commandment of his Lord, cannot be said to hold in Villanage. Whether it may be said, That Copiholders are, by custom and continuance of time, grown out of that extreme servitude, wherein they were first created, I leave to others of better Judgment, since *Fitz. b. (loco citato)* says, *Tenure by Copy* is but of late time.

*Basels* (*Baselli*) A sort of Coyn, abolished by Hen. 2. Anno 1158. This year the King altered his Coyn, abrogating certain pecies called *Basels*. *Hollinsb.* pag. 67.

*Baselard* or *Basillard*, In the Stat. 12 R. 2. cap. 6. signifies a Weapon; which Mr. Speight, in his Exposition upon *Chaucer*, calls *Pugionem vel sciam*.

*Basard* (*Bastardus*, from the British *Ba-ardd*;

**Barb**, *i. nobis*, ) Is he or she that is born of any Woman not married, so that the Childes Father is not known by the order of Law, and therefore is called *Filius Populi*.

*Cui pater est populus, pater est sibi nullus & omnis*.

*Cui pater est populus, non habet ipse patrem.*

Such **Barb** cannot inherit Land as Heir to his Father, nor can any person inherit Land as Heir to him, but one that is Heir of his Body. *Littl. Sect. 401.*

If the Child be begotten by him that does marry her after the Childes Birth, yet it is in Judgment of Law, a **Barb**, though the Church holds it legitimate. *Stat. 20 Hen. 3, 9. and 1 Hen. 6, 3. Coke on Littl. 244.*

If a Man take a Wife, who is great with Child by another, who was not her Husband, it shall be said the Child, and may be the Heir of the Husband, though it were born but one day after the Espousals solemnized.

If one marry a Woman, and die before night, and never Bed her, and she have a Child after, it seems it shall be accounted his Child, and Legitimate. See the *English Lawyer*, 117.

If a Man or Woman marry a second Wife or Husband, the first being living, and have issue by that second Wife or Husband, such issue is a **Barb**. 39 *Edw. 3. 14. 7 Hen. 4. 49. 18 Edw. 4. 26.*

If a Woman clope with a Stranger, and hath a Child by him, her Husband being *infra quatuor maria*, this is Legitimate, and shall inherit the Husbonds Land. 44 *Edw. 3. 10. 7 Hen. 4. 10.*

The punishment of the Mother and reputed Father of a **Barb**. *Anno 18 Eliz. cap. 3.*

He that gets a **Barb** in the Hundred of *Middleton*, in *Com. Kent*, forfeits all his Goods and Chattels to the King. *M. S. de temp. Edw. 3.* Before the Statute 2 & 3 *Edw. 6. cap. 21.* one was adjudged a **Barb**. *Quia filius Sacerdotis. Int. Plac. de temp. Joh. Reg. Lincoln. 42.*

**Barbary** (Fr. *Barbary*) Signifies a defect of Birth, objected to one born out of Wedlock. *Bracton. lib. 5. cap. 19.* How **Barbary** is to be proved, or to be enquired into, if it be pleaded. See *Rastals Entries, tit. Barbary, fol. 104.* And the Stat. 9 *Hen. 6. cap. 11. Kitchin, fol. 64.* mentions *Barbary Special*, and *Barbary General*. The difference whereof is, That *Barbary General* is a Certificate from the Bishop of the Diocese to the Kings Justices, after such enquiry made, that the party enquired of, is a **Barb**, or not a **Barb**, upon some question of Inheritance. *Barbary Special* is a Suit commenced in the Kings Court, against him that calls another **Barb**; so termed, because *Barbary* is the principal case in tryal, and no inheritance contended for. Whereby it appears, that in both these significations, *Barbary* is rather taken for an examination or tryal, whether a Mans Birth be defective or illegitimate, than for *Barbary* itself. See *Brook tit. Barbary*, and Dr. *Ridleys Book*, pag. 203, 204.

**Baton** (Fr.) A Staff, Club, or Cowlstaff. But in our Statutes it signifies one of the Wardens of the *Fleets* Servants or Officers, who attends the Kings Courts with a Red Staff, for taking such to Ward as are committed by the Court. *Anno 1 Rich. 2. cap. 12. 5 Eliz. cap. 23. See Tiffaff.*

**Debatable Ground**, Was the Land lying between *England* and *Scotland*, heretofore in question, when they were distinct Kingdoms, to which it belonged, *Anno 23 Hen. 8. cap. 6. and 32 Ejsidem, cap. 6.* As if we should say, *Litigious* or *Debatable Ground*; for by that name *Skene* calls Ground that is in Debate or Controversie betwixt two. *Cam. Brit. tit. Cumberland.*

**Battel** (Fr. *Bataille*) Signifies a Tryal by Combat: The manner whereof, being long, full of Ceremonies, and now disused, we must refer you to *Glanville, lib. 2. cap. 3, 4, 5. Bracton, lib. 3. tract. 2. cap. 21. fol. 140. Britton, cap. 22. Smith de Rep. Angl. lib. 2. cap. 7. and lib. 3. c. 3. Coke on Littl. fol. 294. And on Westm. 1. fol. 247. See Combat.*

**Battery** (from the Fr. *Batre*, *i.* to strike, or Sax. *baette*, *i.* *justit*) Is a violent striking, or beating a Man; who (in regard it tends to the breach of the Peace) may therefore either indict the other party, (whereby he is Fineable to the King) or have his Action of Trespass, of Assault and *Battery*, against him, (for every *Battery* implies an *Assault*) and recover to much in Costs and Damages, as the Jury will give him, which Action will lie as well before as after the Indictment. But if the Plaintiff made the first assault, then the Defendant shall be quit, and the Plaintiff shall be amerced to the King for his false Suit. In some Case a Man may justify the beating another in a moderate manner, as the Parent his Child, the Master his Servant or Apprentice, &c. This the *Civilians* call *Injuriam personalem*.

**Batus** (Sax. *baet*) A Boat. And *Batellus*, a little Boat. — *Concessit etiam idem Hugo Wake pro se & Hered. suis, quod predictus Abbas & Successores sui & Ecclesia sua de Croyland habeant tres Batellos in Harnolt, &c. Charta. Edw. 1. 20 Julii. 18 Regni. See Libera Batella.*

**Bap** or **Ben**, Is a Pond-head made up of a great height to keep in store of Water; so that the Wheels of the Furnace or Hammer belonging to an Iron Mill, may be driven by the Water coming thence, through a Passage or Flood-gate, called the *Penslock*. Also, a Harbor where Ships ride at Sea near some Port. The word is mentioned *Anno 27 Eliz. cap. 19.*

**Beacon** (from the Sax. *Beacen*, *i.* *signum*, vel *symbolum*) *Anno 8 Eliz. cap. 13.* is well known. Hence *Beaconage*, Money paid towards the maintenance of a *Beacon*; and we still use the word to *becken*, from the Saxon *beacnian*, to nod unto, or signify. See the Statute 5 *Hen. 4.* And *Dorf. Pat. 28 Hen. 6. par. 2, m. 21. Pro signis Anglice Beaconis & Vigiliis.*

**Bede** or **Bead** (Sax. *Bead*, a Prayer;) so that to say *Ones Beads*, is to say *Ones Prayers*. They

They were most in use before Printing, when poor people could not go to the charge of a Manuscript Prayer-Book. These are mentioned in 27 *Hen. 8. cap. 26.* and 3 *Jao. cap. 5.*

**Bearding** alias **Warding** of Wool. See *Clack*.

**Bearers** — Justices of *Assize* shall enquire, hear, and determine of *Waintrepnores*, *Bearers*, and *Conspiratores*, and of those that commit *Champart*, &c. *Anno 4 Edw. 3. cap. 11.* such as bear down or oppress others; maintainers.

**Beasts of Chase** (*Ferae Campestres*) Are five; the Buck, the Doe, the Fox, Martron and Roe. *Manwood, 1 Part. pag. 342. and 2 Part. cap. 4. num. 2.*

**Beasts of the Forest** (*Ferae Sylvestres*) Are the Hart, Hind, Hare, Bore, and Woolf. *Manwood, part. 2. cap. 4. num. 1.*

**Beasts and Fowls of Warren**. Are the Hare, Coney, Pheasant, and Partridge. *Manw. part. 2. cap. 4. num. 3.*

**Beastials**. See *Bestials*.

**Beau-pleader** (Fr. *Beau-plaidier*, *i.* To plead fairly) Is a Writ upon the Statute of *Marlbridge*, 52 *Hen. 3. cap. 11.* whereby it is provided, That neither in the Circuit of Justices, nor in Counties, Hundreds, nor Courts Baron, any Fines shall be taken of any Man for *Fair pleading*, that is, for not pleading fairly or aptly to the purpose; upon which Statute, This Writ was ordained against those that violate the Law herein. See *Fitz. Nat. Br. fol. 270.* whose Definition is to this effect. The Writ upon the Statute of *Marlbridge* for not *Fair Pleading* lies where the Sheriff, or other Bailiff in his Court, takes Fine of the Party, Plaintiff, or Defendant; for that he pleads not fairly, &c. And it was as well in respect of the Vicious Pleading, as of the *Fair Pleading* by way of amendment. 2 *Part. Inst. fol. 122.*

**Bedel** (*Bedellus*, Sax. *hydel*) A Cryer or Messenger of a Court, the Keeper of a Prison or House of Correction, an under Bailiff of a Mannor. *Manwood, par. 1. fol. 221.* says, A *Beadle* is an Officer or Servant of the Forest, who makes all manner of Garnishments of the Courts of the Forest, and all Proclamations, as well within the Courts, as without, and executes all the processes of the Forest; he is like a Bailiff Errant of a Sheriff in a County. *Edgarus interdictit omnibus ministris suis, id est, Viccomitibus, Bedellis, & Ballivis in Patria Circuitorum — Ne introeant fines & limites dicti Marisci. Ingulphus Hist. Croyl.*

**Bedelarp**, Is the same to a *Bedel*, as *Bailiwick* to a *Bailiff*. *Littl. lib. 3. cap. 5.*

**Bederepe** alias **Widrepe** (Sax.) Is a service, which some Tenants were anciently bound to perform, *viz.* To reape their Land-lords Corn at Harvest, as some yet are tied to give them one, two, or three days work, when they are called — *Debent venire in Antumpano ad precariam qua vocatur a le Bederepe. Pla. in Craft. Pur. 10 Hen. 3. Rot. 8.*

**Benefice** (*beneficium*) Is generally taken

for any Ecclesiastical Living, or Promotion, be it Dignity, or other; As *Anno 13 Rich. 2. Stat. 2. cap. 2.* where Benefices are divided into Elective and Donative. So is it used in the Canon Law. *Dearenus de Beneficiis, l. 2. cap. 3.*

**Beneficio primo Ecclesiastico habendo**, Is a Writ directed from the King to the Chancellor, to bestow the Benefice that shall first fall in the Kings gift, above or under such a value, upon this or that Man. *Reg. of Writs, fol. 307. b.*

**Beneth**, Was a Service which the Tenant rendered to his Lord with his Plough and Cart. *Lamb. Iiin. pag. 212. and Coke on Littl. fol. 86. a.*

**Benevolence** (*Benevolentia*, favor, good will) Is used both in the Chronicles and Statutes of this Realm, for a voluntary gratuity given by the Subjects to the King. *Stowes Annals, pag. 701.* By the Statute of 1 *Rich. 3. cap. 2.* it is called a *New Imposition*. But *Stow*, pag. 791. faith, That the invention grew from *Edward* the Fourth days; you may find it also (*Anno 11 Hen. 7. cap. 10.*) to be yielded to that worthy Prince, in regard of his great expenses in Wars, and otherwise. See *Cokes 12 Rep. fol. 119, 120.* It is in other Nations called *Subsidium charitativum*, given sometimes to Lords of the Fee by their Tenants, sometimes to Bishops by their Clergy. *Cassan. de consuet. Burg. pag. 134, 136.* By Act of Parliament, 13 *Car. 2. cap. 4.* it was also given to His Majesty that now is, King *Charles* the Second.

**Bercaria** (from the Fr. *Bergerie*) A Sheep-coat or Sheepfold. In *Doomsday* it is called *Berquarium*. 2 *Part. Cokes Inst. fol. 476.* — *Dedi sexaginta acres terrae, ad unam Bercariam faciendam — Mon. Angl. 2. p. fol. 599. a.* where it seems to signify a *Sheep-walk*.

**Berghmapster** (from the Sax. *bergs*, *Mons*, *quasi*, Matter of the Mountain.) A Bailiff or chief Officer among our *Derbshire Miners*, who, among other parts of his Office, does also execute that of *Coroner* among them. — *Furatores dicunt, quod in principio quando Mineratores veniunt in campum minera quarentes, inventa minera, venient ad Baliquum qui dicitur Berghmapster, & petent ab eo duas Metas, si sit in novo campo, & habebunt unam, scil. pro inventione, & aliam de jure Mineratorum, & unaquaque meta continet quatuor Pericatas, & ad foream suam septem pedes, & unaquaque Pericata erit de 24 pedibus, &c. Esc. de Anno 16 Edw. 1. num. 34. In Turr. Lond. See Berghmote.*

**Bergmorth** or **Bergmote**. — *Furatores dicunt etiam quod Placita del Bergmorth debent teneri de tribus septimanis in tres septimanas super mineram in Pecco. Esc. 16 Edw. 1. ut supra.* This *Bergmorth* or *Bergmote*, comes from the Saxon *bergs*, *i.* *Mons* and *mote* or *Gemote*, conventus. *Quasi*, the Court held upon a Hill, for deciding Pleas and Controversies among the *Derbshire Miners*; of which, thus Mr. *Manlove*, in his ingenious Treatise of their Customs.

— And

- 3 Edw. 6. — *And Sute for Oar must be in Berghmote Court,*  
 Art. 9. *Thither for Justice Miners must resort :*  
 3 & 4 Phil. & *If they such Sutes in other Courts commence,*  
 Ma. Art. 16. *They lose their due Oar-debt, for such offence ;*  
*And must pay Costs ; because they did proceed*  
*Against their Custom : Miners all take heed.*
- 3 Edw. 6. *No Man may sell his Grove, that's in contest,*  
 Art. 20. *Till Sute be ended ; after the Arrest*  
 3 & 4 Phil. & *The Sellers Grove is lost by such offence,*  
 Ma. Art. 26. *The Buyer fined, for such Maintenance.*
- 16 Edw. 1. c. 2. *And two great Courts of Berghmote ought to be*  
 3 Edw. 6. Art. *In every year, upon the Minery,*  
 10. *To punish Miners that transgress the Law,*  
 3 & 4 Phil. & *To curb Offenders, and to keep in awe*  
 Ma. Art. 19, *Such as be Cavers, or do rob Mens Coes ;*  
 30 & 33. *Such as be Pilferers, or do steal Mens Stows ;*  
*To order Grovers, make them pay their part,*  
*Joyn with their Fellows, or their Groves desert ;*  
*To fine such Miners, as Mens Groves abuse,*  
*And such as Orders to observe refuse ;*  
 3 & 4 Phil. & *Or work their Meers beyond their length and Stake ;*  
 Ma. Art. 31. *Or otherwise abuse the Mine and Rake ;*  
*Or set their Stows upon their Neighbors Ground,*  
*Against the Custom, or exceed their Bound :*
- Ibid. Art. 4, 5. *Or Purchasers, that Miners from their way*  
*To their Walk-troughs do either stop or stay ;*  
*Or dig or delve in any Mans Bing-place ;*  
*Or do his Stows throw off, break, or deface ;*  
 26 Edw. 1. *To fine Offenders, that do break the Peace,*  
 cap. 2. *Or shed Mans Blood, or any Tumults raise ;*  
 3 & 4 Phil. & *Or Weapons bear upon the Mine or Rake ;*  
 Ma. Art. 28. *Or that Possession forcibly do take ;*  
*Or that disturb the Court, the Court may fine*  
*For their Contempts (by Custom of the Mine)*  
*And likewise such as dispossessed be,*  
*And yet set Stows against Authority ;*  
*Or open leave their Shafts, or Groves, or Holes,*  
*By which Men lose their Cattle, Sheep, or Soles.*  
*And to lay Pains, that grievance be redress'd,*  
*To ease the Burdens of Poor-men oppress'd.*  
*To swear Berghmesters, that they faithfully*  
*Perform their Duties on the Minery ;*  
*And make Arrests, and eke impartially*  
*Impanel Jurors, Causes for to try ;*  
*And see that Right be done from time to time*  
*Both to the Lord, and Farmers, on the Mine.*

**Bernet**, (*Incendium*, from the Sax. bynpan, to burn) Is one of those crimes, which, by Henry the First's *Laws*, cap. 13. *Emendari non possunt*. See *Openheff*.

**Berp** or **Burp** (from the Sax. Byr, i. *Habitatio*) A dwelling place, a Mansion-house or Court, a chief Farm. The chief House of a Mannor, or the Lords Seat is still so called in some parts of England ; as in Herefordshire there are the *Beries* of *Stockton*, *Lauston*, *Hope*, &c. Anciently also used for a Sanctuary.

**Berton** (*Bertona*, a Sax. bepe, *bordeum*, & *ton*, *villa*) *Est area in adversa parte adium ruralium primariorum, in qua horrea, stabula & vilioris officii adificia sita sunt, & in qua fovetur domestica animalia & negotiationes rustice peraguntur.* — *Rex Theobaldus & Baronibus suis de Scaccario salutem. Quia volumus quod Castrum*

*nostrum Glocestria, nec-non & Tina & Bertona Gloc. corpori dicti Comitatus nostri Gloc. annexantur, &c.* *Claus. 32 Edw. 1. m. 17.*

**Bertwica**, A Hamlet, or Village appurtenant to some Town or Mannor ; often found in *Doomsday* ; from the Sax. bepepica, a Corn-Farm, or *Villa frumentaria*. *Manerium minus ad maius pertinens ; non in gremio Manerii, sed vel in confinio vel dis-junctis interdum situm est.* *Spel.*

**Besaitte** (Fr. *Bisayeu*, i. The Father of the Grand-father) Signifies a Writ that lies where the Great Grand-father was seised of any Lands or Tenements in Fee-simple, the day he died ; and after his death, a stranger abates or enters the same day upon him, and keeps out his Heir, &c. The form and further use of this Writ, read in *Fitz. Nat. Br. fol. 221.*

**Besica**,

**Besica**, A Spade, or Shovel : (From the Fr. *bescher*, to Dig or Delve) — *In communi pastura turbas, cum una sola besica, folient & nihil dabunt.* *Prior. Lew. Cusumar. d. Heciam. pa. 15.* Hence perhaps — *Una besicata terra inclusa* — (*Mon. Angl. p. 2. fol. 642. a.*) may signify a peice of Land usually digged, such as Gardiners sow Roots in.

**Bestials** (Fr. *Bestiaux*, i. Beasts or Cattle of any sort) *Anno 4 Edw. 3. cap. 3.* It is written *Bestail* ; and is generally and properly used for all kinde of Cattle. Mentioned also in *12 Car. 2. cap. 4.*

**Bidale** or **Bidall**, *Precaria putaria* (from the Sax. *biðdan*, i. To pray or supplicate) Is the invitation of Friends to drink *Ale* at the House of some poor Man, who thereby hopes a charitable contribution for his relief ; still in use in the West of England, and falsely written *Bildale* in some Copies of *Bracton*, lib. 4. cap. 1. num. ult. And mentioned *26 Hen. 8. cap. 6.* See *Sotbale*.

**Bidding of the Beads** (*Anno 27 Hen. 8. cap. 26.*) Was anciently an invitation or notice given by the Parish Priest to his Parishioners at some special times to come to Prayers, either for the Soul of some Friend departed, or upon some other particular occasion. And, to this day our Ministers do usually, on the Sunday precedent, *bid* such Festivals, as happen in the week following, *Holidays* ; that is, desire or invite their Parishioners to observe them. *Bidding* comes from the Sax. *biðdan*, i. To desire or intreat ; and *Bead*, in that language, signifies a Prayer.

**Bidripe** (*Bidripa*.) See *Bederipa*.  
**Biga**, Properly a Cart, or Chariot, drawn with two Horses coupled side to side ; but, in our ancient Records, it is used for any Cart, Wain, or Waggon — *Et quod eant cum Bigis & carris & ceteris falleris super tenementum suum, &c.* *2 Mon. Angl. fol. 256. b.*

**Bigamus**, Is he that hath married two or more Wives, or a Widdow, as appears in the Statutes, *18 Edw. 3. cap. 2.* and *1 Edw. 6. cap. 12. 2 Part. Cokes Inst. fol. 273.*

**Bigamy**, (*Bigamia*) Signifies a double marriage or the marriage of two Wives ; it is used for an impediment to be a Clerk, *Anno 4 Edw. 1. 5.* Upon those words of S. Paul to Timothy, Chap. 5. 2. (*Operetur ergo Episcopus irreprehensibilem esse & unius uxoris virum.*) Upon which, the Canonists founded that Doctrine ; That he that hath married a Widdow, is by their interpretation, taken to have been twice married. And both these, they not only exclude from holy Orders, but deny them all Priviledges that belong to Clerks. But this Law is abolished by *1 Edw. 6. cap. 12.* and *18 Eliz. cap. 7.* Which allow to all Men that can read as Clerks, though not within Orders, the benefit of Clergy, in case of Felony not especially excepted by some other Statute. *Brook. tit. Clergy.*

**Billancia deferendis**, Is a Writ directed to a Corporation, for the carrying of *Weights*

to such a Haven, there to weigh the Wools that such a Man is licenced to transport. *Reg. of Writs, fol. 270. a.*

**Bilames** or rather **Bilatos** (from the Gothish *Bip*, *pagus* and *lagen*. *Lex*, or from the Sax. *Bilaga*, i. *Leges obiter & pro re nata condita*) are particular Orders made in Court Leets or Court Barons by common assent of the Resiants, for the good of those that make them, in some particular Cases, whereto the Publick Law does not extend. *Coke, Vol. 6. fol. 63. Kitchin, fol. 45 & 79.* In Scotland they are called *Laws of Burlaw* or *Birlaw*, which are made and determined by consent of Neighbors, elected by common consent in the *Birlaw Courts*, wherein Knowledge is taken of Complaints betwixt Neighbor and Neighbor ; which men, so chosen are Judges and Arbitrators to the effect aforesaid, and are called *Birlaw-men*. For *Bator* or *Batorman* in Dutch, is *Rusticus*, and so *Birlato* or *Burlato*, *Leges Rusticorum*. *Skene.* By Stat. *14 Car. 2. cap. 5.* the Wardens and Assistants for making and regulating the Trade of Norwich Stuffs, are impowred to make *By-Laws*, &c. *Anno 20 Car. 2. cap. 6.*

**Bilinguis**, Signifies in the generality a double-tongued Man, or one that can speak two Languages ; yet it is used for that Jury which passeth in any Case, betwixt an Englishman and an Alien, whereof part must be Englishmen, and part strangers. *Anno 28 Edw. 3. cap. 13.*

**Bill** (*Billa*) Is diversly used : First, it is a security for Money under the Hand and Seal of the Debtor, and is without condition or forfeiture for non-payment. 2. *Bill* is a Declaration in Writing, expressing either the wrong the Complainant hath suffered by the party complained of, or else some fault committed against some Law or Statute of the Realm. This *Bill* is most commonly addressed to the Lord Chancellor of England, especially for unconscionable wrongs done ; sometimes to others having Jurisdiction, according as the Law, whereon they are grounded, does direct : It contains the Fact complained of, the Damages thereby sustained, and Petition or Process against the Defendant for redress. See more in *West. par. 2. Symbol. tit. Supplications.*

**Bill of Store**, Is a kinde of Licence granted at the Custom-house to Merchants, or others, to carry over such *Stores* or Provision as are necessary for their Voyage, Custom-free.

**Bill of Suffrance**, Is a Licence granted at the Custom-house to a Merchant, to suffer him to trade from one English Port to another, without paying Custom. *Anno 14 Car. 2. cap. 11.*

**Billa vera** (Lat.) The Bill is true. The Grand Enquest, Empanelled and sworn before the *Justices of Eyre*, &c. Endorsing a Bill (whereby any crime punishable in that Court is presented to them) with these two words, signify thereby that the pretensor hath furnished

his presentment with probable Evidence, and worthy further consideration. Whereupon, the party presented, is said to stand indicted of the Crime, and tied to make answer to it, either by contesting or traversing the Indictment: And if the Crime touch his Life, it is yet referred to another Enquest, called the *Enquest of Life and Death*, by whom, if he be found guilty, then he stands convicted of the Crime, and is by the Judge to be condemned to Death. See *Ignoramus* and *Indictment*.

**Billets of Gold** (Fr. *Billot*) Wedges or Ingots of Gold, mentioned 27 Edw. 3. Stat. 2. cap. 14.

**Bissextile** (*Bissextilis*) Leap-year so called, because the sixth Calends of March are in that year twice reckoned, viz. On the 24 & 25 of February. So that Leap-year hath one day more than other years, and is observed every fourth year, being first devised by *Julius Cæsar*, to accommodate the year with the course of the Sun. And to prevent all doubt and ambiguity, that might arise hereupon, it is provided by the Statute de Anno Bissextili, 21 Hen. 3. That the day increasing in the Leap-year, and the day next before, shall be accounted for one day, &c. Britton. fol. 209. and Dyer, 17 Eliz. 245.

**Birlato**. See *Bilaw* and *Byrlaw*.

**Black maille** (Fr. *Maille*, i. A Link of Mail, or a small piece of Metal or Money) Signifies in the Counties of *Cumberland*, *Northumberland*, and *Westmerland*, a certain rate of Money, Corn, Cattle, or other consideration, paid to some inhabiting upon, or near the borders, being persons of name and power, allied with certain Mofes-Troopers, or known Robbers within the said Counties; to be thereby by them freed and protected from the danger of those Spoil-takers. Anno 43 Eliz. cap. 13. See *Mail*.

**Black Rod**, or Gentleman-Usher of the Black Rod, is chief Gentleman Usher to the King. He is called in the *Black Book*, fol. 255. *Lator virgæ nigre*, and *Hostiarius*; and elsewhere *Virgi-bajulus*: His duty is *Ad portandam Virgam coram Domino Rege*, ad Festum Sancti Georgii infra Castrum de Windsor. He hath also the keeping of the Chapter-house Door, when a Chapter of the Order of the Garter is sitting; and, in the time of Parliament, attends on the House of Peers.

He hath a like habit with the Register of the Order, and Garter King of Arms; which he wears at the Feast of S. George, and all Chapters. He bears a Black Rod, on the top whereof sits a Lion, Gold; which Rod is instead of a Mace, and hath the same power and authority. His Fee is now 30l. per annum. This Officer hath been anciently constituted by Letters Patent under the Great Seal.

**Blade** (*Bladum*, Fr. *Bled*) Nostro foro, de segete tantum intelligitur, præsertim etiam in herba. Spel. But the Saxon *Blæð* signifies more generally Fruit, Corn, Hemp, Flax, Herbs, &c. or the Branches or Leaves of Trees or Herbs.

*Universi*—Wil. de Mohun salutem, Sciatis me relaxasse & quietum clamasse Domino Reginaldo de Mohun fratris mei totum Manerium meum de Torr — Salvo mihi insinuato meo & blado, &c. (sine dat.) i. e. Excepting my Stock and Corn on the Ground. Hence *Bladier* is taken for an Ingrosser of Corn or Grain. Sciatis—quod ego Wilhelmus Alreton, consensu & voluntate Beatricæ uxoris meæ, Dedi—Agathe Gille pro duabus Marcis Argenti & una mensura bladi, duas solidatas redditus in villa Leominstr. illas scil. quas Walterus de Luda solebat mihi reddere pro quadam terra que est inter soldas Ada Talcureis & Feodum Johannis Rading. Habend. &c. (sine dat.) Ex libro Cartar. Priorat. Leominstr.

**Blanche** (Fr. *Blanc*, i. candidus) A kinde of Money, coined by King Henry the Fifth, in the parts of France, which were then subject to England, the value whereof was 8 d. *Storus Annals*, pag. 486. These were forbidden to be current in this Realm, 2 Hen. 6. cap. 9. The reason why they were called *Blanche*, was, because at the time these were coined in France, there was also a piece of Gold coined, called a *Salus*; from which, this of Silver, was in name distinguished by the colour.

**Black-Bar**, Is the same with that we call a *Common Bar*, and is the name of a Plea in Bar, which in an Action of Trespass is put in to compel the Plaintiff to assign the certain place where the Trespass was committed: It is most used by the practisers in the Common Bench, for in the Kings Bench the place is commonly ascertained in the Declaration. *Croke*, 2 Part. fol. 594.

**Blench**, To hold Land in *Blench*, is, by payment of a Penny, Roie, Pair of Gilt Spurs, or such like thing, if it be demanded; In name of *Blench*, i. *Nomine alba firma*. See *Alba firma*.

**Blockwood**. See *Logwood*.

**Blomary** (Anno 27 Eliz. cap. 19.) The first Forge in an Iron Mill, through which the Iron passeth, before it comes to the *Finary*.

**Bloated fish of Herring** (Anno 18 Car. 2. cap. 2.) Are those which are half-dried.

**Bloudy-hand**. See *Backberend*.

**Bloudwit** or **Blodwite** (compounded of two Saxon words *Blod*, i. sanguis, and *Wita*, multa.) Is a word used in ancient Charters of Liberties, and signifies an Amercement for shedding Blood; so that whoever had it given him in his Charter, had the penalty due for Blood-shed. *Skene* writes it *Bloudveit*, and says *veit* in English, is *injuria*, and that *Bloudveit* is an Amercement or *unlaw* (as the Scotch call it) for wrong or injury, as *Bloodshed* is: For he that hath *Bloodveit* granted him, hath free liberty to take all Amerciements of Courts for Effusion of Blood. *Fleta* says, *Quod significat quietantiam misericordie pro effusione sanguinis*, Lib. 1. cap. 47. *Blodwite*, i. Si aliqui pugnantes ad invicem in Rudnam & extraxerint sanguinem, Prior habeat inde amercementa in Curia sua. Ex Reg. Priorat. de Cokesford.

**Blubber**

**Blubber** (Anno 12 Car. 2. cap. 18.) A kinde of Whale-Oyl, so called; before it is thoroughly boiled and brought to perfection.

**Bochord** (Sax.) A place where Books, Evidences, Writings, or other like Monuments are kept, as the Rolls, quasi, *Librorum horreum*.

**Boecland** (Sax.) *Terra hereditaria vel testamentalis*, quasi, Book-land. A Possession, an Inheritance; a Territory, Farm, or House with Land belonging to it, held by Evidence in Writing. *Boecland* vero ea possidendi transferendique lege coerceretur, ut nec dari licuit nec vendi, sed heredibus relinquenda erat, in scriptis aliter permitteretur; Terra inde hereditaria nuncupata. LL. Aluredi, cap. 36. See *Charterland*, and *Landboe*. And see *Glossarium in decem Scriptores*.

**Bodies Politick**. See *Corporation*.

**Boilary** or **Boillary of Salt** (*Salina*) A Salt-house, or Salt-pit, where Salt is boiled and made. *Coke on Littl. fol. 4. b.* From the Fr. *Boillon*, a Boiling or Bubbling.

**Bolting**, At *Greys Inn* the manner is thus, An *Ancient*, and two *Barristers* sit as Judges, three *Students* bring each a *Cafe*, and the Judges chuse which of them shall be argued; which done, the *Students* first argue it, then the *Barristers*. It is inferior to *Mooting*, and may be derived from the Saxon *Bolt*, a House; because done privately in the House for instruction.

**Bona fide**, i. With a good Faith; we say that is done *Bona fide*, which is done really, with a good Faith, without dissimulation or fraud. It is used Anno 12 Car. 2. cap. 18. and 15 Car. 2. cap. 5.

**Bonaght** or **Bonaghty**, Was an Exaction in Ireland, imposed on the Subjects at the Will of the Lord, for relief of the Knights called *Bonaghtii*, who served in the Wars. *Antiq. Hibern. pag. 60.* Camden (in his *Britan. tit. Desmond*) says, James Earl of Desmond imposed upon the People those most grievous Tributes of *Coyne*, *Livery*, *Cocherings*, *Bonaghty*, &c.

**Bona notabilia**; Where the party dying hath, at time of his death, Goods, or good Debts in any other Diocess, or peculiar jurisdiction within that Province, besides his Goods in the Diocess where he dies, amounting to the value of 5 l. at the least, he is said to have *Bona notabilia*; and then the Probator of his Will, or granting Administration belongs to the Archbishop of the Province, whether it be within that of *Canterbury*, or *York*. But this does not prejudice those Diocesses, where, by Composition or Custom, *Bona notabilia* are rated at a greater sum. *Book of Canons*, 1 Fac. Can. 92, 93. *Perkins*, selt. 489. See *Probator of Testaments*.

**Bona Patria**, An Assise of Countrey-men or good Neighbors; sometimes it is called *Assisa bona patrie*, when twelve or more Men are chosen out of any part of the Countrey to pass upon Assise; or otherwise called *Juratores*, because they are to swear judicially in pre-

fence of the party, &c. *Skene*. See *Assisores*.

**Bond**, **Bondage**, and **Bondmen**. See *Natvus*. *Bondmen* in *Doomsday* are called *Servi*, and differed from *Villani*. — Et de toto tenemento, quod de ipso tenet in Bondagio in *Soca* de Nortone cum pertin. Mon. Angl. 2. par. fol. 609. a.

**Bonis Arrestandis**, Is a Writ, which fees in *Arrestandu bonis*.

**Bonis non amobendis**, Is a Writ to the Sheriffs of London, &c. to charge them, that one, against whom a Judgment is obtained in an Action, and who prosecutes a Writ of *Error*, be not suffered to remove his Goods, till the *Error* be tried. *Reg. of Writs*, fol. 131. b.

**Booting** or **Booting Corn**, Certain Rent-Corn anciently so called: The Tenants of the Mannor of *Haddenham* in *Com. Bucks*, heretofore paid *Booting* Corn to the Prior of *Ruchester*. *Antiquity of Purveyance*, fol. 418. Perhaps it was so called, as being paid by the Tenants, by way of *Bote* (*Boot* we still call it) or compensation to the Lord, for his making them *Leases*, &c. See *Bote*.

**Bordagium**, The Tenure of *Bord-lands*, which see. *Item ordinatum est, quod omnes qui terras & tenementa tenent per Bordagium, habeant super singulis Bordagiis, que per prædictum servitium tenentur, capitalem quandam mansionem in loco ad hoc confecto*, &c. *Ordinac. Justit. Itin.* in *Insula de Jersey*.

**Bordarii** seu **Borduanni**, Often occur in *Domesday*; by some esteemed to be Bores, Husbandmen, or Cotagers; which are there always put after *Villains*. *Dicantur* *Bordarii* vel quod in tugurio (quæ Cottagia vocant) habitabant, seu villarum limitibus, quasi *Borderers*. *Spelm.* Tenentes per servitia plus servitia quam villani, & qui tenent nisi paucas acras. *M. S.* but see *Bordlands*.

**Bord-halfpeny** (Sax. *Borþ*, *tabula*, and *halpeny*, *obolus*) Is Money paid in Fairs and Markets for setting up Tables, *Burds*, and Stalls, for sale of Wares. In antiquis *Chartis multi immunes sunt ab ista solutione*, says *Spelman*. It is corruptly written *Borthalpeny* and *Brodhalpeny* in some Authors.

**Bord-lands**, The Lands which Lords keep in their hands for maintenance of their *Bord* or Table. *Est Dominium quod quis habet ad mensam suam & propriam, sicut sunt Bord-lands*, *Anglicè*, i. *Dominium ad mensam*. *Bract. lib. 4. tract. 3. cap. 9. num. 5.* Which possession was anciently termed *Bordage*. *Sax. Dist. verbo Bord*. And the *Bordarii* (often mentioned in *Domesday*) were such as held those Lands, which we now call *Demain Lands*. See *Antiq. of Purveyance*, fol. 49.

**Borough** or **Borough** (Sax. *Borþoc*, Fr. *Burg*) Signifies a Corporate Town, which is not a City. Anno 2 Edw. 3. cap. 3. As also such a Town or place as sends Burgeesses to Parliament, the number whereof you may see in *Crompt. Jurisd.* fol. 24. Probably *Borþoc* was anciently taken for those Companies, consisting of



Ten Families, which were combined to be one another's Pledge. See *Bracton*, lib. 3. tract. 2. cap. 10. and *Lambert's Duty of Constables*, pag. 8. *Verslegan* says, That *Burg* or *Burgh*, whence we say *Borough*, signifies a Town, having a Wall or some kind of Enclosure about it; and that those places which in old time had among our Ancestors the name of *Borough*, were one way or other, fenced or fortified. See *Head-borough* and *Borough-head*.

**Borough-head** alias **Head-borough** (from the Sax. *Borh* and *Head*) signifies (according to *Lambert*, in his *Treatise of Constables*) the Head-man or chief pledge of the Decury or *Borow*, chosen by the rest to speak and act in their name, in those things that concerned them.

**Borough-holders** alias **Burgholders**, quasi *Borh*-ealders, are the same with *Borough-heads*. *Bracton* calls them *Burghy-Alders*, lib. 3. tract. 2. cap. 10.

**Borough-English** (Sax. *Borh* and *Englisc*) Is a customary Descent of Lands, whereby in all places, where this Custom holds, Lands and Tenements descend to the youngest Son; or, if the owner have no issue, to his youngest Brother, as in *Edmuntion*. *Kitchin*, fol. 102. And the reason of this Custom (according to *Littleton*) is, For that the youngest is presumed in Law, to be least able to shift for himself.

**Borough Goods** *Divisible*. These words are found in the Statute of *Alton Burnel*, 11 Edw. 1. As, before the Statutes of 32 & 34 Hen. 8. no Lands were Divisible at the Common Law, but in ancient *Baronies*; so perhaps, at the making the foresaid Statute of *Alton-Burnel*, it was doubtful, whether Goods were Divisible, but in ancient *Borough*. For it seems by the Writ *De rationabili parte bonorum*, anciently the Goods of a Man were partable between his Wife and Children.

**Borothalpeny**. See *Bord-halpeny*.

**Boslage** (*Bostagium*) Is used for that Food, which Wood and Trees yield to Cattle, Mast: From the Gr. *βόσκειν*. *Pascere*.

**Boscaria** — *Ut ipsi possunt domos & Boscaria satis competentia edificare* — *Mon. Angl.* 2 p. fol. 302. It may either signify Wood-houses, from *Boscus*; or Ox-houses, from *Bos*.

**Boscus**, Is an ancient word used in the Law of England, for all manner of Wood. The Italian useth *Bosco* in the same sense, and the French, *Boys*. *Boscus* is divided into High-wood or Timber (*Haut-bois*) and Copice or Under-wood (*Sub-Bois*). High-wood is properly called *Saltus*, and in *Fleta*, *Maeremium*.

**Bosinnus** (From the Fr. *Bouzine*, A Rustical Trumpet or Wind-instrument, made of Pitched Barks.) By Inquisition after the death of *Laurence Hastings*, Earl of Pembroke, 22 Edw. 3. The Mannor of *Aston Cantlow* (de *Cantelupo*) in *Com. War* is returned to be held in Capite of the King by these words, *Quod quidem Manerium per se tenetur de Domino Rege in Capite per servitium invenendi unum hominem*

*peditem cum quadam Arcu sine Corda, cum uno Bosinno sine tappa per xl. dies sumptibus propriis, quoties fuerit guerra in Wallia. Ex Record. Turris Londoni.*

**Quere**, If *Tappa* (from the Fr. *Tapon*, i. the Bung or Stopp) be not the Buckhole or Stopp of the Instrument where they blow.

**Note** (Sax.) Compensation, recompence, satisfaction, or amends. Hence *Man-bote* alias *Mon-bote*, compensation or amends for a Man slain, who was bound to another: In King *Ina's* Laws set out by *Lambert*, cap. 96. you may see what rate was ordained for expiation of this offence. Hence also our common phrase to boot. i. compensationis gratia. See *Hedge-bote*, *Plow-bote*, *House-bote*; and see *Skene*, verbo, *Bote*.

**Botefela**. i. *Sine emenda*. *Int. Plac. Trin.* 12 Edw. 2. *Ebor.* 48. We retain the word still in Common Speech.

**Botha**, A Booth, Stall, or Standing, made in Fairs or Markets. — *Et duas mansuras liberas ad Bothas suas faciendas*. *Mon. Angl.* 2 p. fol. 132.

**Botiler Of the King** (*Pincerna Regis*) *Anno 43 Edw. 3. cap. 3.* Is an Officer that provides the Kings Wines; who (according to *Fleta*, lib. 2. cap. 21.) may by virtue of his Office out of every Ship laden with Sale-Wines, *Unum dolium eligere in prora navis ad opus Regis, & aliud in puppi, & pro qualibet pecia reddere tantum 20 solid.* *Mercatori. Si autem plura inde habere voluerit, bene licebit, dum tamen precium fide dignum iudicio pro Rege apponatur.*

**Bottomry** or **Botomary** (*Anno 16 Car. 2. cap. 6.*) Is, when the Master of a Ship borrows Money upon the Kiel or Bottom of his Ship, and binds the Ship it self, That if the Money be not paid by the day assigned, the Creditor shall have the Ship. *Ceo Bottomage est quand argent est borrow sur le Kiel del Neif, & le Neif oblige al payment de ceo. Viz. Si ne soit pay al temps, que l'auter avera le Neif* *Latches Rep.* fol. 252. *Scarboroughs Case*.

Others define it thus, When I. S. lends Money to a Merchant, that wants it to Traffick, and is to be paid a greater sum at the return of the Ship, standing to the hazard of the Voyage; and though the profit be above six per cent, it is not reckoned Usury.

**Botata terra**, Is as much as one Ox can Plough. *Octo bovata terra faciunt carucatam terra, octo carucata faciunt unum Foodum Militis. XVIII acra faciunt Bovatam terra. M. Scilicet notis in Statut. See Osgang.*

**Bouche of Court**, or as the vulgar call it *Budge of Court*, Is to have meat and drink free there: For so is the Fr. *Avoir Bouche a Court*, to be in Ordinary at Court. And this anciently extended as well to the Court of Noblemen, who were Subjects, as to the Kings Court. As appears by this Deed.

*Cesse Endenture faite parentre lui Nobles hommes Monsieur Tho. Beauchamp, Comte de Warwyke, d'une part, & Monsieur Johan Russell de*

*de Strengesham Chevalier d'autre part, tesmoigne que le dit Monsieur Johan est demoure ove le dit Comte per terme de sa vie, pur la pees & pur guerre, & prendra pur la pees du dit Comte annuellement vint livres, de la vie du dit Monsieur Johan, del Manoir le dit Comte de Chedworth en le Comtee de Gloucestre, & pur la guerre quarant livres, & sera paie annuellement as termes de la Nativitee Seinte John le Baptiste & de Noel per ovels portions des issues du dit Manoir de Chedworth, per les mains del gardien de meisme le Manoir, & avera le dit Mons. Johan pur la pees, quant il sera maunde de venir al dit Comte, Bouche au Court pur lui meisme, un Chamberlein & un Garçon, seyn, provendre & Ferrure pur trois Chevaux pur la temps de sa demoure, Et pur la guerre le dit Mons. Johan Mounra lui meisme convenablement, & avera Bouche au Court, ou liverie pur lui meisme, une Chamberlein & trois Garçons, ou gages al afferant & seyn, provendre & Ferrure pur cink Chevaux en maniere come autre de son estat, ove le dit Comte, prendront. Et si il preigne prisonier, soit entre le dit Comte & le dit Mons. Johan, si come il fait parentre lui & autres Bachuliers de sa retenue pur terme de vie. Et oet & grante le dit Comte per cestes presentes Lettres, que si la dite rent annuelle de xx l. pur la pees, ou de xl l. pur la guerre soit a devere & nyent paye pur un moy apres aucun des termes avantditz, que bien lise au dit Mons. Johan ou a son Atornie en celle partie en le dite Manoir de Chedworth destrindre pur les arverages de la dite rent, &c. Done a nostre Chastel de Warwyke le xxix. jour del mois de Marex l'an du regne le Roy Richard Second, puis le Conquest, sisme.*

**Boberia**, An Ox-house or Ox-stall — *Ad faciendum ibi Boverias suas & alias domos usibus suis necessarias, &c.* *Mon. Angl.* 2. par. fol. 210. a. *Loca ubi stabulantur Bovs*; according to *Gloss.* in x. *Scriptores*.

**Bunda** (*Bunda*) — *Secundum metas, maras, bundas, & Marchias Foresta*, 8 Edw. 3. *Itin. Pick.* fol. 6. *Sir Edw. Coke* in 4 *Inst.* fol. 318. derives it from the Saxon, *Bunna*, but the Saxon Dictionary affords no such word.

**Bobearer**, Is an under Officer of the Forest, whose Oath will inform you the nature of his Office, in these words.

*I Will true Man be to the Master of this Forest, and to his Lieutenant, and in their absence I shall truly over-see, and true Inquisition make, as well of sworn Men as unsworn in every Bailiwick, both in the North Bail, and South Bail of this Forest, and of all manner of Treasures done, either to Vert or Venison, I shall truly endeavor to attach, or cause them to be attached, in the next Court of Attachment, there to be presented, without any concealment had to my knowledge. So help me God.* *Crompt. Jurisd.* fol. 201.

**Bosones**. See *Bufones*.

**Bzandop**, A kinde of Spirit or Strong-water, made chiefly in France, and extracted from the Lees of Wine or Cider, mentioned in the Act, 20 Car. 2. cap. 1. Upon an Argument in the *Exchequer*, Anno 1668. Whether Brandy were a Strong-water or Spirit, it was resolved to be a Spirit. But 25 Nov. 1669. by a Grand Committee of the whole House of Commons, it was voted to be a Strong-water, and not a Spirit.

**Brasium**, Malt: In the ancient Statutes *Brasior* is taken for a Brewer, from the Fr. *Brasseur*; and at this day also for a Malster or Malt-maker. It was adjudged, 18 Edw. 2. *Quod venditio Brasii non est venditio viualium, nec debet puniri sicut venditio Panis, vini & Cervisie & hujusmodi contra formam Statuti.*

**Breach Carnium**. Per Breach Carnium *Thomas Crew*, (*Magister Hospitalis Sancti Johannis Baptiste extra portam borealem Cestrie*) clamat, quod omnes tenentes sui infra eorum libertates residentes sint quieti de venditione carni-um. *Pla. in Itin. apud Cestriam* 14 Hen. 7.

**Bread of Treet or Trite**. (*Panis Tricci*, Wheaten Bread) Was one of those sorts of Bread mentioned in the Statute of *Assise of Bread and Ale*, 51 Hen. 3. Stat. 1. where we read of *Wassel Bread*, *Cocket Bread* and *Bread of Treet*, which I think do gradually correspond with what we now call *White*, *Wheaten*, and *Boulton* or *Course Bread*. See *Cocket*.

**Bred**, Is used by *Bracton*, lib. 3. tract. 2. cap. 15. for *Broad*, as, *Too long and too bred*.

**Brebon**, The Irish call their Judges *Bre-bones*, and thereupon the Irish Law is called the *Brebon Law*. See 4 *Inst.* fol. 358.

**Bretiole** or **Bretois** — *Scient — quod ego Henricus de Penebrugge Dedi — Omnibus liberis Burgensibus meis Burgi mei de Penebrugge omnes libertates & liberas consuetudines secundum legem de Bretoysse nundinis & feriis appartin. secundum tenorem Charta Domini Henrici Regis quam habeo. Habendum, &c.* *sine dat.* *Secundum legem de Bretoysse*, must certainly signifie, *Legem Marchiarum*; or, The Law of the Britains, or Welshmen: For *Penebrugge* (now *Pembridge*) is a Town in *Heresfordshire*, bordering upon *Wales*.

**Breibus & Rotulis liberandis**, Is a Writ or Mandat to a Sheriff to deliver unto the new Sheriff, chosen in his Room, the County and the appurtenances, with the Rolls, Briefs, Remembrances, and all other things belonging to that Office. *Reg. of Writs*, fol. 295. a.

**Bribery** (from the Fr. *Briber*, to devour or eat greedily) Is a great misprision, when any Man in judicial place takes any Fee, Pension, Gift, Reward, or Brocage, for doing his Office, but of the King onely. *Fortescu*, cap. 51. and 3 *Inst.* fol. 145.

**Bzibour** (Fr. *Bribeur*, i. a Beggar) Seems to signifie in some of our old Statutes, one that Pilfers other Mens Goods, as Cloaths out of a Window, or the like.

**Brief** (*breve*) Signifies a Writ, whereby a Man is summoned or attached to answer any Action; or (more largely) any Writ in writing, issuing out of any of the Kings Courts of Record at *Westminster*, whereby any thing is commanded to be done in order to Justice, or the Kings command, and is called a *Brief*, or *Breve*; *Quia Breviter & paucis verbis intentionem proferentis exponit & explanat, sicut regula juris rem quæ est Breviter enarrat*, says *Bracton*, lib. 5. tract. 5. cap. 17. num. 2. Also Letters Patent or a Licence from the King or Privy Council, granted to any Subject to make a Collection for any publick or private loss, is commonly stiled a *Brief*.

**Briga** (*Fr. Brigue*, i. debate or contention) — *Et posuit terram illam in Brigam & causam intricandam terram, scilicet, per diversa fraudulentia Feoffamenta*; *Idco committitur Marefc. Ebor. Hil. 18 Edw. 3. Rot. 28.*

**Brigandine** (*Fr.*) A Coat of Mail, or a fashion of ancient Armor, consisting of many joynted and Scale-like Plates, very pliant unto, and easie for the Body, mentioned *Anno 4 & 5 Phil. & Ma. cap. 2.* Some confound it with *Haubergeon*; and some with *Brigantine*, (in writing which, there is only the *d* turned into *t*) which signifies a low, long, and swift Sea-Vessel, having some twelve or thirteen Oars on a side.

**Brig-bote** or **Brug-bote**, Significant quietantiam reparationis Pontium. *Fleta*, lib. 1. cap. 47. *Pontis refectio vel restauratio*. It is Compounded of (*Brig*) a Bridge, and (*Bote*) which is a yielding of amends, or supplying a defect. See *Bote* and *Seldens* titles of Honor, fol. 622. *Arcis pontisque constructio*.

**Brocage**, (*Anno 12 Rich. 2. cap. 2.*) Means used by a Spoksmen; the Wages, Hire, or Trade of a Broacher. *Anno 1 Jac. cap. 21.* it is written *Brokerage*. *Anno 11 Hen. 4. num. 28.* not Printed.

**Brochia** (from the *Fr. broc*, *Quod lagenam majorem aut cantharum significat*.) *Si quis teneat per servitium inveniendi Domino Regi, certis locis & certis temporibus, unum hominem & unum equum & saccum cum Brochia pro aliqua necessitate, vel utilitate exercitum suum contingentem*. *Bracton*, lib. 2. tract. 1. cap. 6. By which it should seem *Saccus* was to carry the dry, and *Brochia* the liquid things. See *Saccus*.

**Brodehalpenny**, *Reclius Bordhalpenny*, Signifies a small Toll, by Custom paid to the Lord of the Town, for setting up Tables, Bords, or Booths, in a Fair or Market: From which, they who are freed by the Kings Charter, had this word in their Letters Patent; in so much, as now the freedom it self (for shortness of Speech) is termed *Bordhalpenny*. See *Bordhalpenny*.

**Broggers**. Vid. *Brokers*.

**Brokers** (*Brokerii*) Are of two sorts, the one an *Exchange-Broker*, whose Trade is to deal in matters of Money and Merchandise between English-men and Stranger-Merchants, by drawing the Bargain to Particulars, and the

Parties to Conclusion; for which they have a Fee or Reward. These are called *Broggers*, *Anno 10 Rich. 2. cap. 1.* and in *Scotland Broccarii*, that is (according to *Skene*), Mediators or Intercessors in any Transaction, Paction, or Contract, as in Buying, Selling, or Contracts of Marriage. *Broggers of Corn*, Are used in a Proclamation of *Q. Elizabeth* for *Badgers*, *Bakers Chron. fol. 411.* He that would know what these *Brokers* were wont, and ought to be, let him read the Statute of *1 Jac. cap. 21.* The other is the *Paron-broker*, who commonly keeps a Shop, and lets out Money to poor and necessitous people upon Pawns, not without Extortion for the most part: These are more properly called *Fraperers* or *Paron-takers*, and are not of that antiquity or credit, as the former; nor does the said Statute allow them to be *Brokers*, though now commonly so called.

**Brothel-house**, King *Henry the Eighth*, by Proclamation 30 *Martii*, 37 of His Reign, suppressed all the Stews or *Brothel-houses*, which long had continued on the Bankside in *Southwark*; for that they were prohibited by the Law of God, and Law of this Land. 3 *Inst. fol. 205.* And *Rot. Parl. 14 R. 2. num. 32.*

**Bruck-bote** (from the *Germ. Bruck*, i. Bridge and *Bote*, i. Compensation) Signifies a Tribute or Contribution towards the mending or re-edifying of Bridges, whereof many are freed by Royal Charter; and thereupon the word is used for the very Liberty or Exemption it self. See *Pontage* and *Brig-bote*.

**Brufere** (*Fr. Bruyere*, *Lat. Bruyrium, erica, quasi cricetum*) Heath and Heath-ground. *Pastura xi quarentenarum & dimid. longitudine & latitudine. Bruaria 2 leucarum longitudine & latitudine. Domescil. Tit. Dorset Eccles. Crenburn. Ingelingham. Hac autem appellacione Furcenses vocant steriles camporum solitudines, hec ericam non edant, Heath-ground. Spel.*

**Buckstall**. — *Et sint quieti de Chevagio, Hondpenny, Buckstall, & Tristrit, & de omnibus misericordiis, &c. Privileg. de Semplingham.* By the Stat. 19 *Hen. 7. cap. 11.* it seems to be a Deer-hay, Toy, or great Net to catch Deer with; which by the said Statute is not to be kept by any man that hath not a Park of his own, under pain of 40 l.

To be quit of *Buckstalls*, i. *Ubi homines convenire tenentur, ibidem convenire ad stabilem faciendam circa feras & ad easdem congregand. quietum esse de hoc servitio, quando Dominus chascaverit.* 4 *Inst. fol. 506.*

**Buck-wheat** (Mentioned in the Statute 15 *Car. 2. cap. 5.*) Is otherwise called *French Wheat*, and well known.

**Budge of Court**. See *Bouche*.

**Buggery** (According to *Sir Edward Coke*, *Rep. 12. pag. 36.*) Comes from the *Ital. Buggerare*, to Bugger, and is described to be *Carnalis copula contra naturam, & hac vel per confusionem specierum, sc. A Man or a Woman with a brut Beast, vel sexuum; A Man with a Man, or a Woman with a Woman.* This offence committed with Mankind or Beast, is Felony without

without Clergy; it being a sin against God, Nature, and the Law, and was brought into England by the *Lombards*, as appears by *Rot. Parl. 50 Edw. 3. num. 58.* See the Stat. 25 *H. 3. cap. 6.* revived 5 *Eliz. 17. Fitzh. Nat. Br. fol. 269. b.* In ancient time such Offenders were burnt by the Common Law. This most detestable sin was justly excepted out of the Act of General Pardon, 12 *Car. 2. cap. 8.*

**Bull** (*Bulla*, *Ital. Bolla*) was a Gold Ornament or Jewel for Children, hollow within, and made in fashion of a Heart to hang about their Necks; but now it is most usually taken for a Brief or Mandate of the Pope, or Bishop of *Rome*, from the Lead or sometimes Golden Seal affixed thereto; which *Matthew Paris Anno 1237.* thus describes. *In Bulla Domini Papæ stat imago Pauli a dextris Crucis in medio Bullæ figuratæ, & Petri a sinistris.* The word is often used in our Statutes, as 28 *Hen. 8. cap. 16.* And 1 & 2 *Phil. & Ma. cap. 8.* — 13 *Eliz. cap. 2.* *Non solum sigillum significat imprimens & impresum, sed ipsas etiam literas bullatas & interdum schedulam seu billam. Misit quoque Archiepiscopus (Cantuaria) Regi & Concilio suo schedulam sive Bullam, in hunc modum contententem, &c. Spelm. William de Brinckle recovered at the Common Law by Verdict against *Otho*, Parson of the Church of *Boston* x l. *Pro substractione unius Bullæ Papalis de Ordinatione, alterius Bullæ de legitimatione, & tertii Bullæ de veniam exorantibus pro animabus antecessorum suorum.* *Trin. 4 Edw. 3. Rot. 100. Bulla, Olim sigillum significans.* Gloss. in x. *Scriptores.**

**Bullenger**. The Commons do Petition, that certain Commissions lately sent to Cities for the making of certain Boats and *Bullengers*, being done without consent of Parliament, might be repealed. *Rot. Parl. 2 Hen. 4. num. 22.*

**Bullion** (*Fr. Billon*, i. The Mettal whereof base Coyn is made) Signifies with us Gold or Silver, in Mafs or Billet. *Anno 9 Edw. 3. Stat. 2. cap. 2.* And sometimes the Kings Exchange or place, whither such Gold in the Lump is brought to be tryed or exchanged. 27 *Edw. 3. Stat. 2. cap. 14.* And 4 *Hen. 4. cap. 10.*

*Bullion* seems also to signifie of old, a quantity of Salt, according to *Gervase of Tilbury*, writing of the Salt Springs in *Worcestershire*.

**Bultel**, Is the refuse of the Meal, after it is dressed by the Baker; also the Bag wherein it is dressed. I finde the word mentioned in the Statute, entituled, *Affissa panis & Cervisia.* *Anno 51 Hen. 3.* Hence *Bulted Bread*, Course Bread.

**Bunda**. See *Bound*.

**Burchera** (from the *Fr. Berche*) A kinde of Gun, mentioned in the *Forest Records*.

**Burgage** (*Burgagium*, *Fr. Bourgage*) Is a tenure proper to *Borowes*, whereby the Inhabitants by ancient Custom hold their Lands or Tenements of the King, or other Lord, at a certain yearly Rent. It is a kinde of *Socage*, says *Swimburn*, *pa. 3. Sect. 3. num. 6.* *Ad mili-*

*tiam non pertinet, habetur ideo inter ignobiles tenuras.* Mentioned 37 *Hen. 8. cap. 20.* It was also anciently used for a Dwelling-house in a *Borow-Town*.

*Sciant* — *Quod ego Editha filia Johannis de Aula in ligea virginitate & potestate mea dedi* — *Deo & Beate Mariæ & omnibus Sanctis & Ecclesiis in villa Leominstr. pro salute Animæ meæ* — *In liberam puram & perpetuam Eleemosinam totum illud Burgagium cum edificiis & pertin. suis quod jacet in Villa Leominstr. Ex libro cartarum Priorat. Leon.*

**Burghbzech** alias **Borzgbezech** (*Sax. Buph-lhyce*, i. *Fidejussio fratri, vel plegii violatione*) *Angli omnes decemvirali olim fidejussione pacem regiam stipulati sunt; quod autem in hanc commissum est, Burghbzech dicitur, ejusque cognitio & vindicta, Regis Chartæ, plurimis cradebantur, pro quorum dignitate, multa aliis levior fuit, aliis gravior.* Vide *LL. Canuti*, cap. 55. **Burghbzech**, i. *Lesu libertatis aut septi.* *Gallice, blesmure de Courte ou de cluse.* *Polychron*, lib. 1. cap. 50.

**Burgbore** (*Sax. Bupg, Buph, Burgus*, and *Boce*, compensatio) A Tribute or Contribution, towards the building or repairing of Castles or Walls of Defence; or towards the building of a *Burrow* or City. From which divers had exemption by the ancient Charters of the Saxon Kings; whence it is ordinarily taken for the liberty or exemption it self. *Rastal.* Significat (says *Fleta*) quietantiam reparationis murorum civitatis vel Burgi. *Lib. 1. cap. 47.*

**Burgherith**. — *Ista consuetudines pertinent ad Tauxion, Burgherith, Latrones, Pacis infraclio, Hamfarc, Denarii de Hundret & Denarii S. Petri, &c. Quare. M. S. Camdeni penes Wil. Dugdale Ar.*

**Burgemote** (*Sax.*) *Curia vel conventus Burgi vel Civitatis; the Borow-Court.* — *Et habeatur in anno ter Burgemotus, & Schiremotus his, nisi sapius sit, & interfuit Episcopus & Aldermannus, & doceant ibi Dei rectum & seculi.* *LL. Canuti. M. S. cap. 44.*

**Burgeses** (*Burgarii & Burgenses*) Are properly Men of Trade, or the Inhabitants of a *Borow* or Walled Town; yet we usually apply this name to the Magistrates of such a Town, as the Bailiff and *Burgeses* of *Leominster*. But we do now usually call those *Burgeses* who serve in Parliament, for any such *Borow* or Corporation. *Filius vero Burgensis etatem habere tunc intelligitur, cum discretè severit Denarios numerare, & pannos ulnare & alia paterna negotia similiter exercere.* *Glanville*, lib. 7. cap. 9. In *Germany*, and other Countreys, they confound *Burgeses* and *Citizen*; but we distinguish them, as appears by the Stat. 5 *Rich. 2. cap. 4.* where the Classes of this Commonwealth are thus enumerated. *Count, Baron, Banneret, Chivalier de Counte, Citresein de Cité, Burgeses de Burgh.* See the Statute of *Merton*, cap. 7. And *Coke on Littl. fol. 80.*

**Burglary** (from the *Fr. bourg*, i. *pagus, villa*; and *larcin*, i. *furtum*; or, *laron*, *fur.* *Coke*, lib. 4. fol. 39.) Is a felonious entering into another

another Maus Dwelling-house, wherein some person usually inhabits, or into a Church in the night time, with intent to commit some Felony therein; as to kill some Man, steal somewhat thence, or to do some other felonious act, though he execute it not.

**Burglary** in the natural signification of the word, is nothing but the robbing a House by night, or breaking in with an intent to rob, or do some other Felony. The like offence by day, we call *House-robbing* or *House-breaking*, by a particular name. How many ways *Burglary* may be committed, see *Crompt. Just. of Peace*, fol. 28, 29, 30. and 3 Part. Inst. fol. 363. It shall not have benefit of Clergy, *Anno 18 Eliz. cap. 7.*

**Burghware** (q. *burgi vir*) A Citizen or Burgess. *Wilhelmus Rex salutet Wilhelmum Episcopum & Goffredum Portgycium & omnem Burghware infra London.* Charta Willielmi 1<sup>ci</sup>. Londoniensibus concessa.

**Burlimen.** See *Sucking*.

**Burta**, A Purse. — *Reddendo inde ad Burfam Abbas vi d. ad festum Sancti Michaelis*, &c. Ex lib. C. t. arum Priorat. Leoninfr.

**Burca** or **Buscus**, Under-wood or Brush-wood.

**Bufones Comitatus.** *Iustitii, vocatis ad se quatuor vel sex vel pluribus de Majoribus Comitatus, qui dicuntur Bufones Comitatus, & ad quorum natum dependent vota aliorum*, &c. *Bracton*, lib. 3. tract. 2. cap. 1. num. 1. *Quare.*

**But** (*Buttew*) Cberp But of *Palmersey* to contain at the least 126 Gallons. *Anno 1 Rich. 3. cap. 13.*

**Butlerage of Wines**, Signifies that Imposition upon Sale-Wine brought into the Land, which the Kings Butler, by virtue of his Office, may take of every Ship; that is, Two shillings of every Tun of Wine imported by Strangers. *Anno 1 Hen. 8. cap. 5.* See more in *Butler of the King*, and *Prisage*. The Stat. 12 Car. 2. cap. 24. for taking away of *Purveyance*, Does not extend to prejudice the ancient duties of butlerage, and *Prisage* of Wines, but they are to continue as befoze the making this Act. See *Calthrop's Reports* of Special Cases, pag. 23. and 4 Inst. fol. 30.

**Buzcarles** or **Buzcarles** (*Buzcarli & Buthsecarli*) *Sunt qui portus nauticos custodiunt*: Mariners or Seamen. *Quando Rex ibat in expeditionem vel terra vel mari, habebat de hoc Manerio aut xx fol. ad pascendos suos Buzcarli, aut unum hominem ducebat secum pro honore quinque Hidarum Domestil. tit. Wilsle. Wilton.* And *Seldens Mare clausum*, fol. 184. where it is written *Buzsecarli*.

**Buzones Audiciozum.** *Placita de temp. Johannis Regis. Gloc. 139.* See *Bufones Comitatus*.

**Wpdalle.** (*Anno 26 Hen. 8. cap. 6.*) See *Bidale*.

**Wpriato** or **Latos** of **Wurlato** (*Leges Rusticorum*, from the Germ. *Waur*, i. *Rusticus*, & *Lauch*, *Lex*.) Laws made by Husbandmen, con-

cerning Neighborhood, to be kept among themselves. *Skene*, pag. 33. See *Bylaws*.

## C.

The Letter C among the Ancients, denoted *Condemnation*. See *Ignoramus*.

**Cablis** (*Cablicia*) among the Writers of the Forest Laws, signifies *Brush-wood*, or *Bruse-wood*. *Crompt. Jurisd.* fol. 163. But Sir Henry Spelman thinks, it more properly signifies *Wind-faln-wood*, because 'twas written of old *Cadibulum*, from *cadere*: or, if derived from the Fr. *Cablis*, it also signifies *Wind-faln-wood*.

**Cabo bona speranta.** See *Cape bona esperanza*.

**Cade of Herrings**, Is 500. Of *Sprats* 1000. *Book of Rates*, fol. 45. Yet I find anciently 600. made the *Cade* of *Herring*, 120 to the hundred.

**Calandring of Worsted-stuffs** (mentioned 5 Hen. 8. cap. 4. and 25 ejusdem. cap. 5.) signifies to smooch, trim, and give them a gloss; it is a Trade both in London and Norwich.

**Calangium**, Challenge, claim, or dispute. *Sciunt—quod ego Godefridus de Daddensfull, cum assensu Amicie uxoris mee, dedi.—Deo & Beata Maria & Dominis meis Priori & Conventui Wigorn. in pura & perpetua elemosina unam acram terra—sine aliqua reclamatione seu calangio, &c. sine dat. penes Thomam Chyld Arm.—Boscum, qui fuit in calangio inter ipsum & Walterum.* Mon. Angl. 2. par. fol. 252. b.

**Calcerum & Calceata**, a *Caussey* or *Causway*. See *Causley*.

**Calends** (*Calende*) properly the first day of every Month, being spoken by it self, or the very day of the New Moon, which commonly fall out together: If *Pradie* be placed before it, then it signifies the last day of the foregoing Month, as *Pradie Calend. Maii*, is the last day of *April*: If any number be placed with it, it signifies that day in the former Month, which comes so much before the Month named; as the Tenth *Calends* of *October*, is the Twentieth day of *September*, because, if one begin at *October*, and reckon backwards, that Twentieth day of *September* is the Tenth day before *October*. In *March*, *May*, *July*, and *October*, the *Calends* begin at the Sixteenth day, in other Moneths at the Fourteenth; which *Calends* must ever bear the name of the Moneth following, and be numbred backward from the First day of the said following Moneths. See more in *Hoptons Concordance*, pag. 69. And see *Idea*. *Dictum de Kenelworth* is dated the day before the *Calends* of *November*, *Anno 1256*. In the Dates of Deeds, the day of the Moneth, by *Nones*, *Ides*, or *Calends*, is sufficient. 2 Inst. fol. 675.

**Campfight.**

**Campfight.** See *Champion*, and 3 Inst. fol. 221.

**Candlemas-day**, (*Sax. Canbelmæsse*) The Feast of the Purification of the Blessed Virgin *Mary* (2 Febr.) instituted in memory and honor, both of the Presentation of our Blessed Lord, and the Purification of the Blessed Virgin in the Temple of *Jerusalem*, the Fortieth day after her happy Child-birth, performed according to the Law of *Moses*, *Levit.* 12. 6. It is called *Candlemas*, or a *Mas* of *Candles*, because before *Mas* was said that day, the Church blessed, that is, deputed or set a part for sacred use, *Candles* for the whole year, and made a Procession with hallowed *Candles* in the hands of the faithful, in memory of the Divine Light, wherewith Christ illuminated the whole Church at his Presentation, when old *Simon* stiled him, *A light to the Revelation of the Gentiles*, and the *Glory of his people Israel*, *S. Luk.* 2. 32. This Festival-day is no day in Court, and is the Grand day of *Candlemas* Term in the Inns of Court.

**Canter** (among the Statutes made in the Reigns of *Henry* the Third, *Edward* the First or Second, but uncertain which, set down in *Poulton*, fol. 110. cap. 4. & 9. — *Toll shall be taken by the Kafe, and not by the Heap of Canter*), which seems to signify the same we now call the *Lump*; as to buy by Measure, or by the Lump.

**Canterd**, or rather *Canterf*, (*Canterdus*) Signifies an Hundred Villages, being a British word compounded of the Adjective *Cantr*, i. An Hundred, and *Tref*, a Town or Village. In *Wales* the Counties are divided into *Canterds*, as in *England* into *Hundreds*. The word is used *Anno 28 Hen. 8. cap. 3.*

**Capacity** (*capacitas*) An aptness to contain or receive. Our Law allows the King two *Capacities*, A Natural, and a Politick: In the first, He may purchase Lands to Him and His Heirs; in the later, to Him and His Successors. And a Parson hath the like.

**Cape of Good Hope** (*Cabo de bon' speranza*) A Promontory or Elbow of Land that lies in *Castraria*, a Province of *Aethiopia Inferior*, and was first discovered by the *Portugals*, under the command of *Bartholomew Diaz*. *Helyns Cosmog.* fol. 984. and is mentioned in the Stat. 12 Car. 2. cap. 18.

**Cape** (*Lat.*) Is a Writ Judicial touching Plea of Land or Tenements; so termed (as most Writs are) of that word, which carries the especiallest intention, or end of it. And this Writ is divided into *Cape Magnum* and *Cape Parvum*: Both which (as is before said in *Attachment*) take hold of things immovable, and seem to differ in these points. First, Because *Cape Magnum* or the *Grand Cape* lies before appearance, and (*Cape Parvum*) afterward. Secondly, The (*Cape Magnum*) summons the Tenant to answer to the Default, and over to the Demandant. *Cape Parvum* summons the Tenant to answer to the Default onely; and therefore is called *Cape Parvum* or *Petit Cape*.

*Old Nat. Br.* fol. 161, 162. Yet *Ingham* saith, it is called *Petit Cape*, not because it is of small force, but that it consists of few words.

*Cape Magnum* in the *Old Nat. Br.* is thus defined; Where a Man hath brought a *Præcipe quod Reddat* of a thing that touches Plea of Land, and the Tenant makes default at the day to him given in the Original Writ, then this Writ shall go for the King, to take the Land into His hands; and if the Tenant come not at the day given him thereby, he loseth his Land, &c. A Form of this Writ, you may see in the *Reg. Judicial*, fol. 1. b. Of this Writ, and the Explication of its true force and effect, read *Bracton*, lib. 3. tract. 3. cap. 1. num. 4, 5, & 6.

*Cape Parvum* or *Petit Cape* (in *Old Nat. Br.* fol. 162.) Is thus defined; Where the Tenant is summoned in Plea of Land, and comes at the Summons, and his appearance is of Record; and at the day given him, prays the View, and having it granted, makes default, then shall Issue this Writ for the King, &c. The difference betwixt the *Grand Cape* and *Petit Cape* (which in effect or consequence, are alike) is, that the *Grand Caps* is Awarded upon the Defendant or Tenants not appearing or demanding the View in such Real Actions, where the Original Writ does not mention the parcels or particulars demanded: And the *Petit Cape*, after Appearance or View granted. Its Form see in *Reg. Jud.* fol. 2. and *Fleta*, lib. 6. cap. 44.

*Cape ad Valentiam*, Is a Species of *Cape Magnum*, so called of the end whereto it tends, and (in *Old Nat. Br.* fol. 161.) thus described. Where I am impleaded of Lands, and I vouch to warrant another, against whom the Summons *Ad Warrantizandum* hath been Awarded, and the Sheriff comes not at the day given; then, if the Demandant recover against me, I shall have this Writ against the Vouchee, and shall recover so much in value of the Lands of the Vouchee, if he hath so much, if nor, then I shall have execution of such Lands and Tenements as descend to him in Fee; or, if he purchase afterwards, I shall have against him a Return summons; and if he can say nothing, I shall recover the value. This Writ lies before Appearance. Of these, and their divers uses, see the Table of the *Reg. Judicial*, verbo, *Cape*.

**Capias**, is a Writ of two sorts, one before Judgment, called *Capias ad Respondendum*, where the Sheriff, upon Original, or other Writ in a Personal Action returns *Nihil habet in Baliva nostra*. The other is a Writ of Execution after Judgment, being also of divers kinds; as *Capias ad Satisfaciendum*, *Capias pro Fine*, *Capias Utlagatum*, after Judgment, &c.

*Capias ad Satisfaciendum*, Is a Writ of Execution after Judgment, lying where a Man recovers in an Action Personal; as for Debt, Damages, Detinue, &c. in the Kings Court: In which case, this Writ Issues to the Sheriff, commanding him to take the body of him, against whom the Debt is recovered, who shall be put in prison, till he make satisfaction.

N

*Capias*

**Capias pro Fine**, Is where one, being by Judgment fined to the King, upon some offence committed against a Statute, does not discharge it, according to the Judgment: By this therefore is his body to be taken and committed to prison, until he pay the Fine. *Coke, lib. 3. fol. 12.* Or where, upon a *Non est factum* pleaded, his Plea is, by evidence or his own attestation, knowledge, not made out or verified, and the like.

**Capias Vilagatum**, Is a Writ which lies against him, who is outlawed upon any Action Personal or Criminal, by which the Sheriff apprehends the party outlawed, for not appearing upon the *Exigend*, and keeps him in safe custody till the day of return, and then presents him to the Court, there farther to be ordered for his contempt; which (if in the Common Pleas) was in former times to be committed to the Fleet, there to remain till he had sued out the Kings Charter of Pardon, and appeared to the Action. At present, in the *Kings Bench*, the Outlaw cannot be reversed, unless the Defendant appear in person, and by a present of Gloves to the Judges, implore and obtain their favor to reverse it. And in the Common Pleas, the Defendant (not being an Executor or Administrator) is now to give good Bail (which he is allowed to do by Attorny) to answer the Action, if the Debt or Damage demanded be 20 l. or above, and to pay the Plaintiffs charges, before the Outlawy be reversed. And, by a special *Capias Vilagatum* in the same Writ, the Sheriff is commanded, and may seize all the Defendants Lands, Goods, and Chattels for the contempt to the King; and the Plaintiff may (after an Inquisition taken thereupon, and returned into the *Exchequer*) obtain a Lease of the Lands extended, and a grant of the Goods, whereby to compel the Defendant to appear; which, when he shall do and reverse the Outlawy, are to be restored to him. See *Old Nat. Br. fol. 154.* and *Table of Reg. Judic. verbo, Capias*.

**Capias in Withernamium de Averiis**, Is a Writ lying for Cattle in Withernam. *Reg. of Writs, fol. 82. & 83.* See *Withernam*.

**Capias in Withernamium de Homine**, Is a Writ that lies for a Servant in Withernam. *Reg. fol. 79. & 80.* See *Withernam*.

**Capias conductus ad proficiendum**, Is an Original Writ, which lies, by the Common Law, against any Soldier that hath covenanted to serve the King in his War, and appears not at the time and place appointed, directed to two of the Kings Sergeants at Arms to arrest, and take him wheresoever he may be found, and to bring him *Coram Consilio nostro*; with a Clause of Assistance, 4 *Inst. fol. 128.*

**Capite** (from *Caput*, i. Rex, unde tenere in Capite, i. Tenere de Rege, omnium terrarum Capite) Was a Tenure which held of the King immediately, as of his Crown, were it by Knights Service or Socage. *Broke tit. Tenures, 46, 94. Dyer, fol. 123. num. 38.* But, by Stat. 12 *Car. 2. cap. 24.* all Tenures by Knights Ser-

vice of the King, or of any other person, Knights Service in Capite, or Socage in Capite of the King, and the Fruits and consequences thereof, are taken away and discharged from 24 *Febr. 1645.* And all Tenures of all Mannors, Lands, &c. held either of the King, or of any other person from that time, shall be continued and taken for ever to be turned into free and common Socage. And all Tenures hereafter to be created by the King, upon any Gifts or Grants of Mannors, Lands, &c. are by that Statute ordained to be in free and common Socage only, and not by Knights Service, or in Capite, and are to be discharged of all Wardship, &c.

**Caption** (*Captio*) When a Commission is executed, and the Commissioners names subscribed to a Certificate, declaring when and where the Commission was executed, that is called the Caption; which commonly begins thus — *Virtute istius Commissionis nos, &c.* Or *Executio istius Commissionis patet in quadam Schedula annexata, &c.*

**Capture** (*Captura*) The taking a prey, a little gain; an Arrest, or Seizure. *Anno 14 Car. 2. cap. 14.*

**Caput Baronie**, Is the Castle or chief Seat of a Nobleman, which is not to be divided among Daughters (if there be no Son) but must descend to the eldest Daughter, *Ceteris filiabus aliunde satisfactis.*

**Carecta & Carectata**, (Sax. *Cnecc*, unde *Cart*) A Cart, or Cart-load. — *Faciunt precarias de Caruca & Carecta, i. De aratro & carro.* Customar. Prior. Lewes, M. S. — *Quinque Carectatas clausura, ad predicta terra clausuram susinendam.* Mon. Angl. 2. par. fol. 240. a.

**Caretarius**, A Carter. *Sciunt quod ego Herewardus Pri. Dedi — In liberam puram & perpetuam Eleemosinam Deo & Altari B. Marie in Conventuali Ecclesia Leominstr. xii d. annui redditus provenientes de quadam Mesuagio in Marisco quod fuit Ricardi Caretarii, &c. sine Dat. Ex libro Cart. Priorat. Leominstr. See Carecta.*

**Carb**, Is a quantity of Wool, thirty whereof make a Sarpler. *Anno 27 Hen. 6. cap. 2.* See *Sarpler*.

**Carno**, Seems to signifie an immunity or privilege. *Crompt. Jurisd. fol. 191.* Prior de Melton se & homines suos immunes clamant ab omnibus Americamentis in Foresta & ab omnibus Geldis, Footgeldis, Buckstals, Tritis, Carno & Sumas, &c. *Itin. Pick. fol. 168. b. Quare.*

**Carpemeals**, A coarse kinde of Cloth, made in the North of England; and mentioned *Anno 7 Jac. cap. 16.*

**Carreta** (alias *Carreeta*) Was anciently used for a Carriage, Wain or Cart-load. *Sciunt presentes & futuri, quod ego Henricus de Ribesford Dedi — Rogero filio Ade Pastoris pro Homagio & Servizio suo totum pratum meum de Wiggemore. Reddend. inde annuatim mihi & heredibus meis ipse & heredes sui unam Carre-*

tam

tam *seu rationabilem & bene sanatam, &c.* Sine dat. Penes Tho. Bridgewater gen.

**Carrick or Carrack** (*Carrucha*) A Ship of great burden; so called of the Italian word *Carico* or *Carco*, a burden or charge. Mentioned 2 *Rich. 2. cap. 4.*

**Cartel**. See *Chartel*.

**Carucage** (*Carucagium*) As *Hidage* was a Taxation by Hides of Land; so *Carucage* was, by *Carucata* s. of Land. — *Dederunt S. Edmundo de qualibet Carucata terra in toto Episcopatu quatuor Denarios annuos, quod usque modo, ea de causa, Carucagium est appellatum.* Mon. Angl. 1. par. fol. 294. a.

**Carrucate or Carbe of Land** (*Carrucata terra*, of the Fr. *Charrue, i. araturum*) Is a certain quantity of Land, by which the Subjects have sometimes been taxed; whereupon the Tribute so levied, was called *Carvagium*. *Brañon, lib. 2. cap. 26. num. 8.*

*Carucata terra*, A Plough Land, may contain Houses, Mills, Pasture, Meadow, Wood, &c. *Coke on Littl. Sect. 119.* *Carrucata* is sometimes also used for a Cart-load. — *Una Carrucata ligni in Foresta nostra, que appellatur defensa.* Mon. Angl. 2. par. fol. 311. a. *Littleton, cap. Tenure in Socage*, saith that *Soca idem est quod Caruca*, a Soke or Plough-Land are all one. Yet *Stow* in his *Annals*, pag. 271. says, *The same King Henry took Carvage, that is two Marks of Silver of every Knights Fee, towards the Marriage of His Sister Isabel to the Emperor*: Where *Carvage* cannot be taken for a Plough-Land, except there were some other farther division, whereby to raise of every Plough-Land so much, and so consequently of every Knights Fee, that is, of every 680 Acres, two Marks of Silver. *Rassal*, in his Exposition of Words, says, *Carvage* is to be quit, if the King shall tax all the Land by *Carves*, that is, a privilege, whereby a Man is exempted from *Carvage*. *Skene* says, it contains as great a Portion of Land as may be labored and tilled in a year and day by one Plough, which also is called *Hilda* or *Hida terra*, a word used in the old British Laws. *Lamb.* in the end of his *Eirenarcha* translates *Carrucatum terra*, a Plough-Land. The word *Carve* is mentioned in the Statutes of Wards and Relief, made 28 *Edw. 1.* And in *Magna Char. cap. 5.* *Anno 1200 facta est Pax inter Johannem Regem Anglie & P. Regem Francie, &c. Et mutuavit Regi Francie 30 millia Marcarum, pro quibus collectum est Carvagium in Anglia, scil. iii s. pro quolibet aratro.* Ex Registro Priorat. de Dunstaple in Bibl. Cotton. See *Coke on Littl. fol. 69. a.*

**Cassatum & Cassata**, *Habitaculum cum terra idonea ad unam familiam alendam; alias Casa-*

*mentum; Saxonibus nostris Hise; Beda, Familia.* *Ego Forterus, famulus famulorum Dei, pro redemptione anime mee, unum Cassatum dedi Alberto Abbati, que sita est juxta fluvium Eisee, ad portam que dicitur Bledenithe ad insulam parvam, & ad Ecclesiam beati Martini Confessoris in propriam substantiam. Habendum,*

*Donandumque cuicumque voluerit. Qui banc cartam infringere temptaverit, sciat seipsum a Communiione Sanctorum separatum & ab omnipotenti Deo. + Ego Forterus consensi & subscripsi. Acta est autem hec donatio Anno DCC. XII. Indictione prima. Ex Reg. Glaston: Canob. penes Rad. Sheldon Arm.*

**Castel** (*Castellum*) Is well known. *Certum est Regis Hen. 2. temporibus Castella 1115 in Anglia Extitisse.* Every Castle contains a Manor, so as every Constable of a Castle, is Constable of a Manor. 2 *Part. Instit. fol. 31.*

**Castellain** (Fr. *Chastelain*) The Lord, Owner, or Captain of a Castle, or sometimes the Constable of a Castle, or Fortified House. *Brañon, lib. 5. tract. 2. cap. 16. and Lib. 2. cap. 32. num. 2.* And used in like fence, 3 *Edw. 1. cap. 7.* It is sometimes taken for him that hath the custody of one of the Kings Mansion Houses, though not a Castle or place of Defence. 2 *Part. Instit. fol. 31.* *Manwood, Part. 1. pag. 113.* faith, There is an Officer of the Forest called *Castellanus*, who had the command of all or part of the Forest. Of the use and extent of this Officer in France, see *Cotgraves Dictionary, verbo Chastellain.*

**Castelward** (*Castelgardum vel Wardum Castri*) Is an Imposition laid upon such as dwell within a certain compass of any Castle, towards the maintenance of such as watch and ward the Castle. *Magna Charta, cap. 20. and 32 Hen. 8. cap. 48.* It is sometimes used for the very circuit it self, which is inhabited by such as are subject to this service; As in *Stowes Annals, pag. 632.* — *Et capere ibidem Castelward, viz. De qualibet districtione infra feodum ipsius Ducis capt. ad Castrum (de Halton) ducti & ibidem una de causa, si per solam noctem permoraverit, quatuor Denar. Pl. apud Cestriam, 31 Edw. 3.*

**Casu consimili**, Is a Writ of Entry, granted, where Tenant by Curtesie, or Tenant for Life, or for anothers Life, Aliens in Fee or in Tail, or for term of anothers life. And it takes name from this, that the Clerks of the Chancery did, by their common consent, frame it to the likeness of the Writ called in *Casu Proviso*, according to the Authority given them by the Stat. *Westm. 2. cap. 24.* Which (as often as there happens any new Cafe in Chancery, something like a former, yet not specially fitted by any Writ) authorizes them to lay their Heads together, and to frame a new form, answerable to the new Cafe, and as like some former, as they may. And this Writ is granted to him in Reversion, against the party to whom the said Tenant or Aliens to his prejudice; and in the Tenants life time. The form and effect whereof, read more at large in *Fitz. Nat. Br. fol. 206.*

**Casu Proviso**, Is a Writ of Entry, given by the Statute of *Gloucester, cap. 7.* in case where a Tenant in Dower, Aliens in Fee, or for Term of Life, or in Tail, and lies for him in Reversion against the Alience, *Fitzb. Nat. Br. fol. 205.*



**Catala.** See *Chatels*.

**Catallis capitis nomine districtionis.** Is a Writ that lies within a Borough, or within a House, for Rent going out of the same; and warrants a Man to take the Doors, Windows, or Gates, by way of Districks for the Rent. *Old Nat. Br. fol. 66.*

**Catallis reddendis.** Is a Writ which lies, where Goods, being delivered to any Man to keep till a certain day, and are not upon demand delivered at the day. It may be otherwise called a *Writ of Delivery*. See more of it in the *Reg. of Writs, fol. 139.* and in *Old Nat. Br. fol. 63.* This is answerable to *Actio Dispositi* in the Civil Law.

**Catchpol** (*Chacepollus* & *Cacepollus*, quasi, One that catches by the Poll) Though now taken as a word of Contempt, yet in ancient times, it was used, without reproach, for such as we now call *Sergeants of the Mace*, Bailiffs, or any other that use to Arrest Men upon any Action. *Anno 25 Edw. 3. Stat. 4. cap. 2.* — *Hospitalarii* Tenent in Hereford annu Mesuagium quod Philippus filius Odonis tenuit per Seriantiam Chacepollit, quod eis legavit in puram elemosynam. Rot. de Seriantis in Heref. temp. Hen. 3. in custod. Camerar. Seaccarii.

**Cathedral.** See *Church*.

**Cathedratick** (*Cathedraticum*) Is a Sum of 2 s. paid to the Bishop by the Inferior Clergy, in *Argumentum subjectionis* & ob honorem Cathedralis. See Hist. of Procurations and Synodals, pag. 82.

**Caulceis** (*Anno 6 Hen. 6. cap. 5.*) *Caucies*, (1 *Edw. 4. 1.*) I think it should be written *Causways* from the old French word *Cauz*, now *Caillon*, a Flint, and is well known to signify ways pitched with Flint, or other Stone; in Lat. *Calceta* — *pro ponte* & *calceto* *reparand.* Pat. 18 Hen. 6. pag. 2. m. 22. I have also seen it written *Calcaya*, *Casaya*, and *Casctum*, in old Records.

**Causines** (*Causini*) Were Italians by Birth, and came into England about the year 1235, terming themselves the *Popes Merchants*, driving no other trade then letting out Money, and had great Banks thereof in England, and differed little from *Jews*, save that they were rather more mercilefs to their Debtors. Some will have them called *Causines*, quasi, *Caususini*, Bearish and cruel in their Causes; others *Causini*, quasi, *Corasini*, from scraping all together. The then Bishop of London excommunicated them. See *Matth. Paris, p. 403.*

**Causam nobis significas.** Is a Writ directed to a Major of a City, or Town, &c. who was formerly by the Kings Writ, commanded to give seisin to the Kings Grantee of any Lands or Tenements, and delays to do it, willing him to shew cause, why he so delays the performance of his duty. *Coke, lib. 4. Casu, Communitate des Sadlers, fol. 55. b.*

**Causa Patrimonii** *Belelocutt*, Is a Writ, which lies in case where a Woman gives Lands to a Man in Fee, to the intent he shall marry her, and refuseth to do it in reasonable time,

being thereunto required. The form and further use of it, see in *Reg. of Writs, fol. 233.* and *Fitz. Nat. Br. fol. 205.*

**Cautione admittenda.** Is a Writ that lies against a Bishop, holding an excommunicate person in prison for his contempt, notwithstanding he offers sufficient Caution or Assurance to obey the Orders and Commandments of Holy Church from thenceforth. The form and further effect whereof, see in *Reg. of Writs, pag. 66.* and *Fitz. Nat. Br. fol. 63.*

**Capa.** A Key, or Water-lock; from the Sax. *Cæp*. See *Key*.

**Ceapgild** (Sax. *Ceap*, pecus & *Gild*, solutio) *Secundis seu cattali restitutio.*

**Cellerarius alias Cellarius.** *Officialis est in Monasterio qui fratrum stipendia servat & administrat.* M. S.

**Century.** See *Hundred*.

**Cepi Corpus.** Is a Return made by the Sheriff, upon a *Capias* or other Process for the like purpose, that he hath taken the Body of the party. *Fitz. Nat. Br. fol. 26.*

**Cerage** (*Ceragium*.) See *Waxshot*.

**Cert Money** (quasi, *Certain Money*) Head-money or Common Fine, paid yearly by the Residents of several Mannors to the Lords thereof, *Pro certo Leta*, for the certain keeping of the *Leet*, and sometimes to the *Hundred*. As the Mannor of *Hook*, in *Dorsetshire*, pays *Cert-money* to the Hundred of *Egerton*. This in ancient Records is called *Certum Leta*. See *Common Fine*.

**Certificat** (Lat.) Is used for a Writing made in any Court to give notice to another Court of any thing done therein. For example, a *Certificat* of the cause of *Attaint* is a Transcript made briefly by the Clerk of the Crown, Clerks of the Peace, or of *Affise*, to the Court of *Kings Bench*, containing the Tenor and Effect of every Indictment, Outlary, or Conviction, or Clerk attainted, made or pronounced in any other Court, *Anno 34 H. 8. cap. 14.* *Broke, fol. 119.*

**Certification of Affise of Robel Distefin.** &c. (*Certificatio Affise nove Distefina*, &c. (Is a Writ granted for the reexamining or review of a matter passed by *Affise* before any Justices. Of which see *Reg. of Writs, f. 200.* And the *New Book of Entries, verbo, Certificat of Affise*. This is used, when a Man (appearing by his Bailiff to an *Affise* brought by another, hath lost the day; and having something more to plead for himself, as a Deed of Release, &c. which the Bailiff did not, or might not plead for him) desires a farther examination of the cause, either before the same Justices, or others; and obtains Letters Patent to them to that effect. (The Form of which Letters, see in *Fitz. Nat. Br. fol. 181.*) and that done, brings a Writ to the Sheriff, to call, both the party for whom the *Affise* passed, and the Jury that was empanelled on the same, before the said Justices at a certain day and place. And it is called a *Certificat*, because therein mention is made to the Sheriff, that upon the parties complaint of the Defective Examination,

Examination, or Doubts yet remaining upon the *Affise* passed, the King hath directed His Letters Patent to the Justices, for the better certifying themselves, whether all Points of the said *Affise* were duly examined. Of this read *Bracton, lib. 4. cap. 19. num. 4.* and *Horns Mirror, lib. 3.*

**Certificando de recognitione Stapula.** Is a Writ directed to the Major of the Staple, &c. commanding him to certify the Lord Chancellor of a Statute Staple taken before him, in case where the party himself detains it, and refuse to bring it in. *Reg. of Writs, fol. 152. b.* The like may be understood of *Certificando de Statuto Mercatorum, fol. 148.* And *De Certificando in Cancellariam de Inquisitione de Idemptitate nominis, fol. 195.* And *Certificando quando Recognitio*, &c. And *Certificando quid actum est de brevi super Statutum Mercatorum, fol. 151.* And *Certificando si loquela Warrantia, fol. 13.*

**Certiorari.** Is a Writ, issuing out of the Chancery to an Inferior Court, to call up the Records of a Cause there depending, that conscientiable Justice may be done therein, upon complaint made by Bill, that the party, who seeks the said Writ, hath received hard dealing in the said Court. See the divers Forms and Uses of it in *Fitz. Nat. Br. fol. 242.* As also the Register, both Original and Judicial in the Tables, *verbo, Certiorari*. *Crompton*, in his *Justice of Peace, fol. 117.* says, This Writ is either returnable in the *Kings Bench*, and then hath these words (*Nobis mittatis*) or in the Chancery, and then hath in Cancellaria nostra, or in the Common Bench, and then, *Justiciarii nostri de Banco*.

**Cessabit.** Is a Writ that lies in divers Cases, as appears by *Fitz. Nat. Br. fol. 280.* Upon this general ground, *i.* That he against whom it is brought, hath for two years neglected to perform such Service, or to pay such Rent, as he is tied to by his tenure, and hath not upon his Land or Tenements sufficient Goods or Cattle to be distrained. See *Fleta, lib. 5. cap. 34. sect. visa sunt.* See *Cessavit de Cantaria. Cessavit de feodi firma. Cessavit per biennium*, in *Reg. of Writs, fol. 237, 238.* And *New Book of Entries, verbo, Cessavit*. It lies not, but for Annual Service, as Rent, and such like, not for Homage or Fealty.

**Cessa** (*Anno 22 Hen. 8. cap. 3.*) Seems to signify Assessments or Taxes. *Cesse* or *Cass* in Ireland, is an exaction of Provision of Victuals at a certain rate for the Deputies Family, and the Soldiers in Garrison. *Sir Rich. Bakers Chron. fol. 376.*

**Cession** (*Cessi*.) A ceasing, yielding up or giving over. *Si un Parson ou Dean en Anglietere prist un Evequey en Ireland, ceo fait le premier Eschise void per Cession.* *Latches Rep. fol. 234.* — *Ratione vacationis Prioratus predicti, per Cessionem Fratris Rogeri de Wellington, ultimi Prioris, &c.* *Claus. 13 Edw. 3. pag. 1. m. 38.*

**Cestoz** (Lat.) A loyterer or idle fellow;

but we use it for him who *ceaseth*, or neglects so long to perform a duty belonging to him, as he thereby incurs the danger of Law, and is liable to have the Writ *Cessavit* brought against him. *Old Nat. Br. fol. 136.* And note where it is said *The Tenant cesseth*, without any more words, is to be understood, that the Tenant *ceaseth* to do what he ought, or is bound to do by the Tenure of his Lands or Tenement.

**Cessure** or *Cesser*, Is also used for a ceasing; giving over, or departing from. *Westm. 2. cap. 41.*

**Cestui qui vie** (in true French, *Cestui a vie de qui*) Is he for whose life any Land or Tenement is granted. *Perkins, tit. Grants, 97.*

**Cestui que use** (an Abstract of the Fr. *Cestui al use de qui*) Is an usual phrase, signifying him to whose use any other Man is enfeoffed in any Lands or Tenements. See the *New Book of Entries, verbo, Uses*. And in *Replevin, fol. 508. column. 3.* and, *verbo, Trespass, fol. 606.* and *fol. 123. a, b. col. 3. num. 7.* *Anno 1 Rich. 3. cap. 1.* and *Coke, lib. 1. fol. 133.* *Anno 12 Car. 2. cap. 30.*

**Cestui qui trust.** Is he who hath a trust in Lands or Tenements committed to him for the benefit of another. *Anno 12 Car. 2. cap. 30.*

**Chafetwar.** Is an Officer in Chancery, that fits the Wax for the Sealing of the Writs, and such other Instruments as are there made to be issued out. So in France, *Calefactores cera sunt, qui regis literis in Cancellaria ceram impriment.* *Corasius.*

**Chaffers** (*Anno 3 Edw. 4. cap. 4.*) Seem to signify Wares or Merchandize; for *Chaffering* is yet used for buying and selling.

**Chaldron** or *Chalder of Coals*, Contains Thirty six Bushels heaped up, and according to the Bushel sealed for that purpose at *Guildhal* in London. *Annis 16 & 17 Car. 2. cap. 2.* It is written *Chawdren*, *Anno 9 Hen. 5. cap. 10.* perhaps from the Fr. *Chaud*, *i.* hot.

**Challenge** (from the Fr. *Chalenger*, *i.* *sibi asserere*) Is used for an Exception taken, either against persons or things; *Persons*, as in *Affise*, to the Jurors, any one, or more of them; or in case of Felony, by the Prisoner at the Bar, *Bracton, lib. 2. tract. 2. cap. 22.* *Things*, as against a Declaration. *Old Nat. Br. fol. 76.*

**Challenge to the Jurors.** Is either made to the *Array*, or to the *Polls*: To the *Array* is, when the whole number is excepted against, as partially empanelled: To, or by the *Polls*, is when some one or more are excepted against, as not indifferent. *Challenge to the Jurors*, is also divided into *Challenge Principal*, and *Challenge per Cause*, *i.* Upon Cause or Reason. *Challenge Principal*, otherwise called *Peremptory*, is that which the Law allows without cause alleged, or further examination. *Lamb. Eiren. lib. 4. cap. 14.* As a prisoner at the Bar, arraigned upon Felony, may peremptorily *Challenge 20,* one after another, of the Jury empanelled upon him, alleging no cause, but his own dislike, and

and they shall be still put off, and new taken in their places. But in case of High Treason, no Challenge Peremptory is allowed. *Anno 33 Hen. 8. cap. 23.* Yet there seems to be a difference between Challenge Principal, and Challenge Peremptory; this being used only in matters criminal, and barely without cause alleged, more then the prisoners own fancy. *Stanf. Pl. Cor. fol. 124.* That, in civil actions for the most part, and with assigning some such cause of Exception, as, being found true, the Law allows. For example, if either party allege, That one of the Jurors is the Son, Brother, Cousin, or Tenant to the other, or married his Daughter; this Exception is good (if true) without further examination of the parties credit. How far this Challenge upon Kinred extends, see in *Plowden, Casu Fernon, fol. 425.*

Also in the Plea of the Death of a Man, and in every Real Action, and in every Action Personal, where the Debt or Damages amount to forty Marks, it is a good Challenge to any Juror, that he cannot dispend 40s. per annum of Freehold, *Anno 11 Hen. 7. cap. 21.* The ground of this Challenge, you may see in *Fleta, lib. 4. cap. 8.* Challenge upon Reason or Cause, is, when the party does allege some such Exception against one, or more of the Jurors, as is not forthwith sufficient, upon acknowledgment of the truth of it, but rather arbitrable and considerable by the rest of the Jurors; as, if the Son of the Juror have married the Daughter of the adverse party. *Kitchin, fol. 92.* where you may read, what Challenges are commonly accounted Principal, and what not. See the *New Book of Entries*, on this word Challenge; which was anciently Latined by *Calumnia*, as appears by *Brañton, lib. 3. tract. 2. cap. 18.* See *Coke on Littl. fol. 156, 157, &c.* and *Calangum.*

**Chamberdekins or Chaumberdakins.** Were certain Irish begging Priests, banished England. *Anno 1 Hen. 5. cap. 7. 8.*

**Chamberer,** Is used for a Chamber-maid. *Anno 23 Hen. 8. cap. 21.*

**Chamberlain** (*Camervirus*) Is diversly used in our Chronicles, Laws, and Statutes; as Lord Great Chamberlain of England; Lord Chamberlain of the Kings House; the Kings Chamberlain (*Anno 13 Edw. 3. cap. 41.* — 17 *Rich. 2. cap. 6.*) to whose Office it especially appertains to look to the Kings Chambers and Wardrobe, and to govern the under Officers belonging thereto. *Fleta, lib. 2. cap. 6. 7.* Chamberlain of any of the Kings Courts, 7 *Edw. 6. cap. 1.* Chamberlain of the Exchequer, 51 *Hen. 3. Stat. 5.* and 10 *Edw. 3. cap. 11.* Chamberlain of North-Wales. *Stow, pag. 641.* Chamberlain of Chester, and Chamberlain of the City of London. *Crompt. Jurisd. fol. 7.* To which Chamberlainships of London and Chester, do belong the receiving all Rents and Revenue appertaining to those Cities; and to the Chamberlain of Chester, (when there is no Prince of Wales, and Earl of Chester) the receiving and return

of all Writs coming thither out of any of the Kings Courts.

There are two Officers of this name in the Exchequer, who keep a Controlement of the Rolls of Receipt and Exitus, and certain Keys of the Treasury and Records, and the Keys of the Treasury, where the Leagues of the Kings Predecessors, and divers ancient Books, as *Domesday*, and the *Black Book* of the Exchequer remain. This Officer is mentioned in the Statute 34 & 35 *Hen. 8. cap. 16.* There are also Under Chamberlains of the Exchequer, which see in *Under Chamberlain.* The Latin word seems to express the Function of this Officer; For *Camervirus dicitur a Camera* (i. *Testudine sive fornice*) quia custodit pecunias, quae in Cameris praecipue reservantur.

**Champarti** (from the Fr. *Champ*, a Field and *Parti*, divided; because the Field or Land in question, is commonly divided between the Champartyor, who maintains the sute, and the person in whose name and right he sues) Signifies a Maintenance of any Man in his sute, upon condition to have part of the thing (be it Land or Goods) when it is recovered. This seems to have been an ancient grievance in our Nation; for notwithstanding the several Statutes of 3 *Edw. 1. cap. 25.* — 13 *Edw. 1. c. 49.* — 28 *Edw. 1. c. 11.* 33 *Edw. 1. Stat. 2 & 3.* and 1 *Rich. 2. cap. 4.* And a Form of Writ framed to them; yet 4 *Edw. 3. cap. 11.* it was again Enacted, That whereas a former Statute provided Redress for this in the Kings Bench only (which in those days followed the Court) from thenceforth it should be lawful for Justices of the Common Pleas, and Justices of Assize, in their Sessions, to enquire, hear, and determine this, and such like Cases, as well at Sute of the King, as of the Party. How far this Writ extends, and the divers Forms of it applied to several Cases, see *Fitz. Nat. Br. fol. 171.* Reg. of Writs, fol. 183. And *New Book of Entries, verbo, Champarti.* Every Champarti implies a Maintenance, *Crompt. Jurisd. fol. 39.* See also 2 *Part. Inst. fol. 208.*

**Champartors, Be they, who move Pleas or Sutes, or cause them to be moved, either by their own procurement, or by others, and sue them at their proper costs, to have part of the Land in variance, or part of the gains.** *Anno 33 Edw. 1. Stat. 2.* in fine.

**Champion** (*campio*) Is taken not only for him, that fights the Combat in his own case, but for him also that does it in the place or quarrel of another. *Brañton, lib. 3. tract. 2. cap. 21. num. 24.* who also seems to use this word for such as held of another by some service; as, *Campiones faciunt Homagium Domino suo, lib. 2. cap. 35.* *Hottoman de verbis feudalibus,* Defines it thus, *Campio est Certator pro alio datus in duello, a Campo dictus, qui circus erat decertantibus definitus.* And therefore it is called *Campfight.* See *Combate*, and Sir *Edward Bishes* Notes upon *Upton*, where fol. 36. you will finde that *Henricus de Fernburg*, for thirty Marks Fee, did

did by a Charter under his Seal, Covenant to be Champion for Roger, Abbot of *Glastonbury.* *Anno 42 Hen. 3. See 3 Inst. fol. 221.*

**Champion of the King** (*Campio Regis*) Whose Office is, at the Coronation of our Kings, to ride into *Westminster Hall* armed Cap-a-pe, when the King is at dinner there, and throw down his Gantlet by way of Challenge, pronounced by a Herald; That if any Man shall deny or gain-say the Kings title to the Crown, he is there ready to defend it in single Combat, &c. Which being done, the King drinks to him, and sends him a gilt Cup with a Cover full of Wine, which the Champion drinks, and hath the Cup for his Fee.

This Office (ever since the Coronation of King *Richard the Second*, when *Baldwin Freville* exhibited his Petition for it) was adjudged from him to Sir *John Dymock*, his Competitor (both claiming from *Marmion*) as producing better Records and Evidence; and hath continued ever since in the worthy family of *Dymock*, who hold the Mannor of *Scrievelsby* in *Lincolnshire*, hereditarily from the *Marmions*, by Grand Sergeanty, viz. That the Lord thereof shall be the Kings Champion, as above-said. *Chall. in part. Fin. Mich. 1 Hen. 6.* Accordingly Sir *Edward Dymock* performed this Office at the Coronation of His Majesty, King *Charles the Second*, 23 *April. 1661.*

**Chancellor** (*Cancellarius*) This Officer in late times is greatly advanced, not only in our, but in other Kingdoms: For he is the chief Administrator of Justice, next to the Sovereign. All other Justices in this Kingdom are tied to the Law, and may not swerve from it in Judgment; but the Chancellor hath the Kings absolute power to moderate the Written Law, governing his Judgment by the Law of Nature and Conscience, and ordering all things *juxta equum & bonum.* Wherefore *Stanford* (in his *Fravog. cap. 20. fol. 65.*) says, The Chancellor hath two powers, one absolute, the other ordinary; meaning, that, though by his ordinary power in some cases, he must observe the form of proceeding, as other Inferior Judges, yet in his absolute power, he is not limited by the Written Law, but by Conscience and Equity, according the Circumstances of Matter. And though *Polydor Virgil*, an alien, undertaking to write the History of England, supposed he did not mistake, when he makes our *William the Conqueror*, the Founder of our Chancellors; yet our industrious Antiquary Mr. *Dugdale* can shew us his Error in the many Chancellors of England, long before that time, which are mentioned in his *Origines Juridicales*, and Catalogue of Chancellors, whose great Authorities under their Kings, were in all probability drawn from the reasonable Customs of Neighbor Nations, and the Civil Law.

He that bears this Magistracy, is called The Lord Chancellor of England, and is made so Per traditionem magni Sigilli sibi per Dominum Regem, and by taking his Oath. And by the

Statute 5 *Eliz. cap. 18.* the Lord Chancellor and Keeper, have one and the same Power; and therefore since that Statute, there cannot be a Lord Chancellor, and Lord Keeper, at one and the same time, but before there might, and hath been. Yet see *Keeper* See *Fleta, lib. 2. cap. 12, 13.* and *Cokes 4 Instit. fol. 78, 79.* Divers Inferior Officers are also called Chancellors, As

**Chancellor of the Exchequer** (*Anno 25 Hen. 8. cap. 16.*) Whose Office hath been thought by many to have been created for the qualifying extremities in the Exchequer: He sits in the Court, and in the Exchequer Chamber, and with the rest of the Court, orders things to the Kings best benefit. He is always in Commission with the Lord Treasurer, for letting the Lands that came to the Crown by the dissolution of Abbeys, or otherwise; and hath by the Statute of 33 *Hen. 8. cap. 39.* power with others, to compound for the Forfeitures upon Penal Statutes, Bonds, and Recognizances, entered unto the King: He hath also a great Authority and Jurisdiction in the manage and dispose of the Royal Revenue, and concerning the First Fruits, as appears by the Acts for uniting them to the Crown.

**Chancellor of the Duchy of Lancaster,** (*Anno 3 Edw. 6. cap. 1.* and *Anno 5 Ejusdem, cap. 26.*) Whose Office is principal in that Court, to judge and determine all Controversies between the King, and His Tenants of the Duchy-Land, and otherwise to direct all the Kings Affairs belonging to that Court.

**Chancellor of the Order of the Garter.** *Stows Annals, pag. 706.* Chancellor of the Universities, *Anno 9 Hen. 5. cap. 8.* and *Anno 2 Hen. 6. cap. 8.* Chancellor of the Court of Augmentations, 27 *Hen. 8. cap. 27.* — 32 *Ejusdem, cap. 20.* & 33 *Ejusdem, cap. 39.* Chancellor of the First Fruits, 32 *Hen. 8. cap. 45.* Chancellor of Courts, 32 *Hen. 8. cap. 28.* Chancellor of the Diocess, 32 *Hen. 8. cap. 15, &c.*

**Chance medley** (from the Fr. *Chance*, i. *Lapsus* and *Mellor*, i. *Miscere*) Signifies the casual slaughter of a Man, not altogether without the fault of the slayer. *Stanf. Pl. Cor. lib. 1. cap. 8.* calls it homicide by misadventure. *West* calls it Homicide mixt (*Part. 2. Symbol. tit. Indictments, Sect. 5.*) and there defines it thus; Homicide mixt is, when the Killers ignorance or negligence is joyned with the Chance; As if a Man lop Trees by a Highway side, by which many usually travel, and cast down a bough, not giving warning to beware of it, by which bough one passing by, is by chance slain. In this case he offends, because he gave no warning, that the party might have taken better heed. See *Skene, verbo, Mellor*, who says this is called *Chaudmelle* in Scotland.

**Chancery** (*Cancellaria*) Is the Grand Court of Equity and Conscience, moderating the rigor of other Courts most strictly tied to the Letter of the Law, whereof the Lord Chancellor of England, is the chief Judge. *Crompt. Jurisd. fol. 41.* or else the Lord Keeper of the Great

Great Seal, since the Statute of 5 *Edw. cap. 18*. The Officers belonging to this Court, are the Lord Chancellor or Keeper of the Great Seal, who is sole Judge here; the Master of the Rolls, (anciently called *Gardein des Rolls*) who in the Lord Chancellors absence, heareth Causes and gives Orders, 4 *Instit. fol. 97*. Twelve Masters of the Chancery, who are Assistants, and sit by turns on the Bench; the Six Clerks, who have each of them about Fifteen Clerks under them, in nature of Attorneys in the Court; Two chief Examiners, who have five or six Clerks a piece; One chief Register, who hath usually four or five Deputies. The Clerk of the Crown, the Warden of the Fleet, the Usher, Sergeant at Arms, and Crier of the Court; the Curriers and their Clerks; the Clerks of the Petty-Bag; the Clerk of the Hanaper, the Comptroller of the Hanaper; the Clerk of Appeals; the Clerk of the Faculties; the Scaler, the Chafe-Wax; the Clerk of the Patents, Clerk of Presentations, Clerk of Dismissions, Clerk of Licences to alienate, Clerks of the Enrolments, Clerks of the Protections, Clerk of the Subpenas, Clerk of the Affidavits, &c. which see described in their several places. See *Cokes 4 Instit. fol. 82*.

**Changer**, Is an Officer belonging to the Kings Mint, whose Function chiefly consists, in exchanging Coyne for Bullion, brought in by Merchants, or others. *Anno 2 Hen. 6. cap. 12*. where it is written (after the old way) *Chaungeour*.

**Chantry**. See *Chauntry*.

**Chapel** (*Capella*) Fr. *Chapelle*, *i. adicula*) Is or two sorts, either adjoining to a Church, as parcel of it, which persons of quality build, *Or ibidem familiaria Sepulchra sibi constituent*; or else separate from the Mother Church, where the Parish is wide, and is commonly called a *Chappel of Ease*; because it is built for the ease of one or more Parishioners that dwell far from the Church, and is served by some Inferior Curate, provided at the charge of the Rector, or of him that hath benefit by it, as the Composition or Custom is.

There is also a *Free Chappel*, which seems to be such as hath perpetual maintenance towards the upholding it, and the Curates stipend, by some Lands or Rents charitably bestowed on it, without the charge of the Rector or Parish. *Anno 37 Hen. 8. cap. 4. Anno 1 Edw. 6. cap. 14*.

**Chapelry** (*Capellania*) Is the same thing to a *Chappel*, as Parish is to a Church, *i. The Precinct and Limits of it*. Mentioned in the Stat. 14 *Car. 2. cap. 9*. — *Capellania Sancti Oswaldi*, Mich. 32 *Edw. 1. Coram Rege*, Glouc.

**Chaperon** (Fr.) A Hood or Bonnet, mentioned in the Stat. 1 *Rich. 2. 17*. And among Heralds, it is that little Ekechoon, which is fixed in the forehead of the Horses that draw the Herse at a Funeral.

**Chapters** (Lat. *Capitula*, Fr. *Chapiters*, *i. The Chapters of a Book*) Signifies a Sum-

mary or Content of such Matters as are to be enquired of, or presented before Justices in Eyre, Justices of Assize, or of Peace in their Sessions. Thus it is used *Anno 3 Edw. 1. cap. 27*. — And that no Clerk of any Justice, Escheator, or Commissioner in Eyre, shall take any thing for delibering Chapters, but onely Clerks of Justices in their Circuits. And again, *Anno 13 Edfidem, cap. 10*. — The Sheriff shall certify the Chapters before the Justices in Eyre, how many Writs he hath, and what, &c. *Britton (cap. 3)* useth the word in the same signification. Chapters are now most usually called Articles, and are delivered by the Mouth of the Justice in his Charge, to the Enquest; whereas in ancient time (as appears by *Bracton* and *Britton*) they were (after an Exhortation given by the Justices for the good observation of the Laws, and Kings peace) first read distinctly in open Court, and then delivered in writing to the Grand Enquest, which the Grand Jury or Enquest were likewise to answer upon their Oaths, Affirmatively or Negatively, and, not as they do now, put the Judges to make long and learned Charges to little, or no purpose, and forswearing or wilfully not remembering their Knowledge of Transgressors, against the Design and Enquiry of those Articles, do think their Oaths and Duty to God and the King, and their Countrey, well enough satisfied and performed, if they onely present those few, of many more, Misdemeanors, which are brought unto them by way of Indictments. The same Order of Articles, *Lambert* wishes might still be observed. *Eiren. lib. 4. cap. 4. pag. 393*. Horn (in his *Mirror of Justices*) calls them Articles, and expresses what they were wont to contain. *Lib. 3. cap. Des Articles in Eyre*.

**Chaplain** or **Chapellain** (*Capellanus*) Is now most commonly taken for him, who is depending on the King, or other Noble person, to instruct him and his family in Spirituals, and say Divine Service in his house, where commonly they have a private Chappel for that purpose. As *Anno 21 Hen. 8. cap. 12*. which ordains what person may privileged one or more Chaplains to discontinue from their Benefices, in respect of their particular service.

**Chapter** (*Capitulum*) Signifies Congregationem Clericorum in Ecclesia Cathedrali, Conventuali, regulari vel Collegiata, and in another sense, Locum in quo sunt communes tractatus Collegatorum. It hath other significations, not worth mentioning here, which you may read in *Linwoods Provin. Gloss. verbo, Capitulum*. This Collegiat Company or Corporation, is Metaphorically termed *Capitulum*, (signifying originally a little Head) it being a kinde of Head, not onely to rule and govern the Diocese, in the Vacation of the Bishoprick, but also in many things to advise the Bishop, when the See is full. See *Panormitan. in cap. Capitulum extra de rescriptis*. — *Ad Dedicaciones, ad Synodos, ad Capitula venientibus*

Sit

*Sit summa Pax. LL. Edwardi Confess. cap. 3*.

**Charre of Lead**. *La Charre de plumbo constat ex 30 formellis, & qualibet formella continet 6 Petras, exceptis duabus libris, & qualibet Petra constat ex 12 libris*. Assize de ponderibus Rob. 3 *R. Scot. cap. 22. sect. 2*.

**Chart** (*Charta*) Paper, Parchment, or any thing to write on; also a Card, mentioned 14 *Car. 2. cap. 33*. See *Charter*.

**Chattel** (Fr. *Cartel*) A Letter of Defiance, or a Challenge to a (single) Combat: In use when those Combats were in practise, to decide difficult, and not otherwise to be determined Controversies in Law.

**Charter** (*Charta*, Fr. *Chartres*, *i. Instrumenta*) Is usually taken for written Evidence of things done between Man and Man. Whereof *Bracton, lib. 2. cap. 26. num. 1*. says thus, *Fiant aliquando Donationes in scriptis, sicut in chartis, ad perpetuam rei memoriam, propter brevem hominum vitam* — And (*Num. 12*) *& sciendum quod Chartarum alia regia, alia privatorum; & regiarum, alia privata, alia communis, & alia universalis*. Item, *privatorum alia de puro Feoffamento & simplici, alia de Feoffamento condicionali sive conventionali, & secundum omnia genera Feoffamentorum fieri potest*. Item *privatorum alia de recognitione pura vel condicionali*. Item *alia de quiete clamantia, & de confirmatione*, &c. *Britton* likewise in his 39 Chapter, divides Charters into those of the King, and those of private persons.

Charters of the King, are those whereby the King passeth any Grant to any person or more, or to any Body Politick; as a Charter of Exemption, that a Man shall not be empanel'd upon any Jury. *Kitchin, fol. 314. and 177*.

**Charter of Pardon**, whereby a Man is forgiven a Felony, or other offence committed against the Kings Crown and Dignity. *Brook, tit. Charter of Pardon*.

**Charter of the Forest**, wherein the Laws of the Forest are comprised. *Anno 9 Hen. 3. Crompt. Jurisd. fol. 147. Pupilla oculi. par. 5. cap. 22. Manwood, pag. 1. fol. 1*. Where he sets down the Charters of *Canutus*, and *fol. 17*. that which was made 19 *Hen. 3.* with the Charter of the Forest. Of these Charters you have also a long discourse in *Fleta, lib. 3. cap. 14*. Who particularly expounds every substantial part of a Deed of Gift. See *Magna Charta*.

**Charter-land** (*terra per Chartam*) Is such as a Man holds by Charter, that is by evidence in writing, otherwise called *Freehold*. *Anno 19 Hen. 7. cap. 13. and Kitchin, fol. 86*. This in the Saxons time was called *Bocland*, which was held (according to *Lambert* in his Explication of those words, *Verbo, Terra ex scripto*) with more commodious and easier conditions, than *Folkland* was; that is, Land held without writing; because that was *Hereditaria libera atque immunis*; whereas, *Fundus sine scripto censum pensitabat annuum, atque officiorum quadam servitute est obligatus*; Priorem viri plerumque nobiles atque ingenui, posteriorem rustici fere &

*pagani possidebant. Illam nos vulgò Freehold & per Chartam; hanc ad voluntatem Domini appellamus*. Thus *Lambert*.

**Charter-party** (Lat. *Charta partita*, Fr. *Chartre-parti*, *i. A Deed or Writing divided*) Is that among Merchants and Seafaring men, which we commonly call a Pair of Indentures, containing the Covenants and Agreements made between them, touching their Mercandife and Maritime Affairs. *Anno 32 Hen. 8. cap. 14. and 12 Car. 2. cap. 18. Latches Rep. fol. 225. Ballo's Case, and 2 Instit. fol. 673*.

**Chartis Reddendis**, Is a Writ which lies against him that hath Charters of Feolment entrusted to his keeping, and refuseth to deliver them. *Old Nat. Br. fol. 66. Reg. of Writs, fol. 159*.

**Chafe**, (Fr. *Chasse*) Signifies two things: First, a driving Cattle to, or from any place; as to *chafe* a Distress to a Fortlet. *Old Nat. Br. fol. 45*. Secondly, it is a place of Receipt for Deer, and Wilde Beasts, of a middle nature between a Forest and a Park, being commonly less then a Forest, and not ended with so many Liberties, as the Courts of Attachment, *Swain-mote*, and *Justice-seat*; and yet of a larger compass, and stored with greater diversity, both of Keepers and Wilde Beasts, or Game, then a Park. *Crompton* in his *Jurisd. fol. 148*. says, *A Forest cannot be in the hands of a Subject*, but it forthwith loseth its name, and becomes a *Chafe*; and yet *fol. 197*. he says, *A Subject may be Lord and owner of a Forest*, which though it seems a contradiction, yet both sayings are in some sort true. For the King may give or alienate a Forest to a Subject, yet so, as when it is once in the Subject, it loseth the true property of a Forest; because the Courts called the *Justice-seat*, *Swain-mote*, and *Attachment*, do forthwith vanish; none being able to make a Lord Chief Justice in Eyre of the Forest, but the King; as *Manwood* well observes *Par. 2. cap. 3. & 4*. Yet it may be granted in so large a manner, as there may be Attachment, *Swain-mote*, and a Court equivalent to a Justice Seat, as appears by him in the same Chapter, *num. 3*. So that a *Chafe* differs from a Forest in this, because it may be in the hands of a Subject, which a Forest, in his proper and true nature, cannot; and from a Park, in that it is not enclosed, and hath not onely a larger compass, and more variety of Game; but of Keepers also, and Officers. See *Forest*.

**Chattels** or **Catals** (*Catalla alias Capitula*) Comprehend all Goods moveable and immoveable, except such as are in nature of Freehold, or parcel of it, as may be collected out of *Stamf. Prærog. cap. 16. and Anno 1 Eliz. cap. 2*. Yet *Kitchin, fol. 32*. says, *That Money is not to be accounted Goods or Chattels*, because it is not of it self valuable; nor Hawks and Hounds, for they are *Fera natura*. Chattels are either personal or real. Personal, may be so called in two respects: One, because they belong immediately to the person of a

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Man,

Man, as a Bow, Horse, &c. The other, for that being any way injuriously withheld from us, we have no means to recover them, but Personal Actions. *Chattels real*, are such as either appertain not immediately to the person, but to some other thing, by way of dependency, as a Box with Charters of Land, Apples upon a Tree, or a Tree it self growing on the Ground. *Crompt. Just. of Peace, fol. 33.* or else such as are issuing out of some immovable thing to a person, as a Lease or Rent for term of years. See *Bracton, lib. 3. cap. 3. num. 3.* & 4. *Chattels* are *bona quaecunque mobilia & immobilia*; proprie tamen ea bonorum pars, quæ in animalibus consistit, a quorum capitibus, res ipse alias capita alias capitalia dicta sunt. *Spelman.*

**Chaumpert.** — *Et quod tam prædicta xxx. virgata terra, quam terra, unde dicta quater-viginti quartaria frumenti annua proveniunt, de nobis in Capite, per servitium, vocatum Chaumpert, viz. Undecima garbe, nobis per manus tenentium terrarum earundem, annuatim solvenda, tenentur.* Pat. 35 Edw. 3. pag. 2. m. 18. *Hospital. de Bowes infra Insulam de Gernsey.*

**Chaunce-medley.** See *Chance-medley.*  
**Chautier** (*Cantator*) A Singer in the Quire. *Anno 13 Eliz. cap. 10.* At *S. Davids* in *Em-brookshire*, the Chautier is next to the Bishop, for there is no Dean. *Cam Britan.*

**Chantry** (*Cantaria*) *Ades sacra 3. ideo instituta & dotata prædictis, ut Missa ibidem cantaretur pro anima fundatoris & propinquorum ejus.* These were usually little Chappels or particular Altars in some Cathedral or Parochial Church, and endowed with Lands, or other Revenue, for the maintenance of one or more Priests, to officiate as above-said. Mentioned 37 Hen. 8. cap. 4. — *Edw. 6. c. 14.* & 15 *Car. 2. cap. 9.* Of these Chantries, there were forty seven belonging to *S. Pauls Church* in *London*; for which, see *Mr. Dugdales History* of that Church.

*Sciant — quod ego Reginaldus Suard dedi — Willicmo Crompte Capellano Cantariæ beata Maria de Yarpot unam parcellam pasturæ, &c. Dat. apud Leominstre die Martis prox. post Festum Sancti Hillarii, Anno 7 Hen. 5.*

**Chaldogen of Sea-Coals.** *Anno 9 Hen. 5. cap. 10.* See *Chaldron.*

**Check-roll.** Is a Roll or Book, containing the names of such as are attendants, and in pay to the King, or other great persons, as their Household-servants. *Anno 19 Car. 2. cap. 1.* It is otherwise called the *Chequer Roll*, *Anno 24 Hen. 8. cap. 13.* *Anno 3 Hen. 7. cap. 13.* And seems to be a word abstracted, or derived from the *Exchequer*, which vide. *Clerk of the Check*, see in *Clerk*

**Chemin.** See *Chimin.*

**Chensers** (*Anno 27 H. 8. cap. 7.*) *Quare* If not such as paid tribute or *Cense*; *Quit-rent*, or *Chief Rent*; For to the *Fr. Chensier* signifies.

**Cherfet.** See *Churchesfet.*

**Chebage** (*Chevagium*, from the *Fr. chef*,

*i. caput*) Signifies a Tribute, or sum of Money formerly paid by such as held Lands in Villanage or otherwise, to their Lords in acknowledgment; and was a kind of Head, or Poll-Money. Whereof *Bracton, lib. 1. cap. 10.* says thus, *Chevagium dicitur recognitio in signum subjectionis & Domini de capite suo.* It seems also to be used for a sum of Money, yearly given to a Man of power, for his Countenance and Protection, as to their chief Head or Leader. *Lambert (lib. 2. cap. 5. Eirenarch.)* writes it *Chivage*; we now call it *Chiefage.* *Est & apud Wallos Chevagii genus quod Amabz vocant, Principi Wallie pro maritandis filiabus, olim ab omnibus (ut asserunt) hodie a quibusdam (etiam liberis) persolutum,* says *Spelman* on the word *Chevagium.* See *Coke on Littl. fol. 140.*

**Chebitance** (*Fr. Chevissance*) An Agreement or Composition made; an End or Order set down between a Creditor and a Debtor; sometimes taken for an indirect gain or booty. *Lo. Verulam* in his *Hen. 7.* But in our Statutes it is most commonly used for an unlawful Bargain or Contract. As 37 Hen. 8. cap. 9. 13 Eliz. c. 5. and 8 & 12 *Car. 2. cap. 13.*

**Chebitte & Chebise,** Hades at the end of Ploughed Lands. — *Novem acras terra cum Chevitis ad ipsas pertinentibus.* *Mon. Angl. 2 par. fol. 116.*

**Chief.** See *Capite.*

**Chiefage.** See *Chevage.*

**Chief Pledge** (*Plegius vel vas capitalis*) *Anno 20 Hen. 6. cap. 8.* See *Borrowhead.*

**Childtoit** (*Sax.*) Signifies a power to take a Fine of a Bond-woman, unlawfully begotten with child. *Prior habeat Gersumam de Nativa sua imprægnata sine licentia maritandi.* *Ex Registro Priorat. de Cokes ord.* Every reputed Father of a base child, gotten within the Mannor of *Writtel* in *Com. Essex.* pays to the Lord for a Fine 3 s. 4 d. Where it seems to extend as well to Free as Bond-women; and the Custom is there also called *Childtoit.*

**Chimin** (*Fr. Chemin, i. aditus, via*) Signifies a way; which is of two sorts. The Kings High-way, and a private way. *Kitchin, fol. 35.* The Kings High-way (*Chiminus Regius*) is that, in which the Kings Subjects, and all others under His Protection, have free liberty to pass; though the property of the soyl, where the way lies, may perhaps belong to some private man. A Private way is that, in which one man or more have liberty to pass, either by Prescription or by Charter, through another mans ground. And this is divided into *Chimin in gross*, and *Chimin appendant.* *Kitchin, fol. 117.* *Chimin in gross*, is that way which a man holds principally and solely in it self; *Chimin appendant* is that which a man hath as appurtenant to some other thing. As, if he hire a Close of Pasture, with Covenant for ingress and regress, through some other Ground, in which, otherwise he might not pass. See *Coke on Littl. fol. 56.*

**Chiminage** (*Chiminagium*) Signifies a Toll for Wayfarage through the Forest. *Crompt. Jurisd.*

*Jurisd. fol. 189.* *Telonium quod in Forestis exigebant Forestarii a plausivis & equis oneris causi eo venientibus.* *Charia Foresta, cap. 14.* *Nullus Forestarius de catero, qui non sit Forestarius de feodo, reddens nobis firmam pro baliva sua, capiat Chiminagium aliquod in Baliva sua, &c.* The Feodists call it *Pedagium.* This in *Poulton, fol. 8.* is fully Printed *Chimmage*; and in a Record in the *Tower*, I finde *Chimage.*

**Chimney Money.** Otherwise called *Heart-Money.* By Statute 14 *Car. 2. cap. 12.* *Every Fire-Hearth and Stove of every Dwelling, and other House within England and Wales, (except such as pay not to Church and par) shall be chargeable with Two shillings per annum, payable at Michaelmas and Lady-day, to the King, His Heirs, &c.* Which payment is vulgarly called *Chimney-Money.* See *Smock-Silver and Fuage.*

**Chirgemot, Circgemot, or Chirchgemot.** (*Sax.*) *Forum Ecclesiasticum.* — *Uosque Chirgemot Discordantes inveniet, vel amore congreget, vel sequestret judicio.* *LL. Hen. 1. cap. 8. and 4 Inst. fol. 321.*

**Chirographer of Fines,** (*Chirographus Finium & Concordarum*, of the Greek *χειρ. γρ. φ.*) i. A writing of a Mans own hand, whereby he acknowledged a debt to another) Signifies that Officer in the Common-Pleas, who ingrosseth Fines in that Court acknowledged into a Perpetual Record, (after they are examined, and fully passed by other Officers) and that writes and delivers the Indentures of them to the Party. *Anno 2 Hen. 3. cap. 8.* — *2 Hen. 4. 8. and Fitz. Nat. Br. fol. 147. A.* This Officer makes two Indentures, one for the Buyer, another for the Seller, and makes one other indented piece, containing also the effect of the Fine, which he delivers to the *Custos Brevium*, which is called the *Foot of the Fine.* The *Chirographer* also, or his Deputy, proclaims all the Fines in the Court every Term, according to the Statute, and endorseth the Proclamations, upon the backside of the Foot thereof; and always keeps the Writ of Covenant, and the Note of the Fine. See *Tabling of Fines.* *Anno 23 Eliz. cap. 3. and 2 Part. Inst. fol. 468.*

**Chibage.** See *Chevage.*

**Chibalry** (*Servitium Militare*) Comes from the *Fr. Chivalier, i. eques*; and signifies a Tenure of Land by Knights-service, whereby the Tenant was bound to perform a Service in War unto the King or the Mesn Lord, of whom he held by that Tenure: The further explication of which Tenure, and the several Branches of it may be omitted, since by Stat. 12 *Car. 2. cap. 24.* All Tenures by Knights-service of the King, or of any other person, Knight-service in Capite, or Socage in Capite of the King, and the Fruits and consequences thereof, hapned, or to which shall or may happen, or arise thereupon, or thereby, are taken away and discharged: And all Tenures of Houses, Mannors, Lands, &c. shall be continued and adjudged

for ever, to be turned into Free and Common Socage, &c.

**Choral** (*Choralis*) may relate to any person, that by virtue of any of the Orders of the Clergy, was in ancient time admitted to sit and serve God in the Quire, in Latin (*Chorus*.) Accordingly *Mr. Dugdale* (in his History of *S. Pauls Church, pag. 172.*) says, There were anciently Six Vicars Choral belonging to that Church.

**Chose** (*Fr.*) Thing: It is used with divers Epithetes; as *Chose Local*, is such a thing as is annexed to a place: For example, a Mill is *Chose Local.* *Chose Transitory* seems to be that thing, which is moveable, and may be taken away or carried from place to place. *Kitchin, fol. 18:* *Chose in Action*, is a thing incorporeal, and onely a right, as an Annuity, Obligation for Debt, a Covenant, Voucher by Warranty, and generally all Causes of Suit, for any Debt or Duty, Trespass or Wrong, are to be accounted *Choses in Action.* And it seems *Chose in Action* may be also called *Chose in Sushence*; because it hath no real existence, or being, nor can properly be said to be in our possession. *Broke, tit. Chose in Action.*

**Chop-church** (*Ecclesiæ permutatio*) Is a word used 9 *Hen. 6. 65. a.* By the sense of which Book, it was in those days a kind of Trade; For the Judges say, It was a lawful Occupation, and a good Addition; yet *Brook* in his *Abridgment* calls it not an Occupation, but a thing permissible by Law. It was (without doubt) a nick-name given to those that used to change Benefices: For to chop and change, is an usual expression to this day. I have also read *Church-Chopper*, for him that used to make such changes. — *Alii vero quorundam satiorum zizanias, subversorum justitias, & inaudite abusionis inventorum, ut illis verbis utamur Choppe-Churches, communiter appellati, mediacione dolosa interveniente, execrabili ardore avaritie, quandoque in subtilis permutacionibus, hos nimia inæqualitate Beneficiorum, ac illos quandoque optentis beneficiis, fucatis coloribus totaliter destituunt & defraudant; in tantum quod ex inde de opulentibus effecti miseri, & fudere non valentes, aliquando inordinatâ concepta doloris anxietate deperiunt, & sapius in Cleri & Ecclesiæ scandalum nimia egestatis penuria, mendicare miserrabiliter compelluntur.* *Litera missa omnibus Episcopis suffraganeis Domini contra Choppe-Churches.* *An. 1391. Spelm. de Conc. vol. 2. fol. 642.*

**Church-Kebe.** A Church-Warden. *Præpositus Ecclesiæ* or *Gardianus Ecclesiæ*; of whom, thus *Chaucer*, speaking of the Jurisdiction of Archdeacons.

**Of Church-Kebe, and of Testaments, Of Contracts, and lack of Sacraments, &c.**

**Church-Wardens** (*Ecclesiæ Gardiani*) Are Officers yearly chosen, by consent of the Minister and Parishioners, according to the custom of every place, to look to the Church, Church-yard, and such things as belong to both, and



to observe the behavior of their Parishioners, for such faults as appertain to the Jurisdiction or Censure of the Court-Ecclesiastick. These are a kinde of Corporation, enabled by Law to sue, and be sued for any thing belonging to the Church, or Poor of their Parish. *Anno 12 H. 7. cap. ult.* See *Lambert* in his duty of Church-Wardens.

**Churchscot, Chirscot, Chirset, or Curcset** (Sax.) *Census vel tributum Ecclesie Chirscot.* Certam mensuram bladi tritici significat, quam quilibet olim Sancte Ecclesie die Sancti Martini, tempore tam Britonum quam Anglorum contribuerunt. Plures tamen Magnates, post Romanorum adventum, illam contributionem secundum veterem legem Moysi nomine primitiarum dabant: Prout in brevi Regis Knuti, ad summum Pontificem transmissa, continetur, in quo illam contributionem **Churchscot** appellant, quasi, semen Ecclesie. See *Chirscot.* *Seldens Hist. of Tithes*, pag. 216. — Et de essarto & de prato & de Chirset ejusdem ville, &c. Cart. de Anno 1 Edw. 3. num. 3. And in Pat. 13 Edw. 4. par. 2. m. 17. it is written *Cherchez*; but the true Saxon is *Cypiscot*.

**Cinque Ports** (*Quinque Portus*) Are those special Havens that lie towards France, and therefore have been thought by our Kings, to be such as ought most vigilantly to be preserved against Invasion. In which respect, they have an especial Governor or Keeper, called, by his Office, *Lord Warden of the Cinque Ports*, and divers privileges granted them, as a peculiar Jurisdiction, their Warden having the authority of an Admiral among them, and sending out Writs in his own name. *Crompton* in his *Jurisd.* fol. 28. names the *Cinque Ports*, *Dover*, *Sandwich*, *Rye*, *Hastings*, *Winchelsea*, *Rumney*, *Hithe*; whereof two must either be added to the first institution, by some later Grant, or be accounted as Appendants to some of the rest. See *Gardens of the Cinque Ports*, and the Stat. 32 Hen. 8. cap. 48. See *Quinque Portus*, and 4 *Inst.* fol. 222.

**Cippus**, A Pair of Stocks to put offenders in. — *Habeant, nec non Cippos & conclusoria in singulis villis, ad correctionem delinquentium.* Mon. Angl. 2 par. fol. 349. a.

**Circuit of Action** (*Circuitus Actionis*) Is a longer course of proceeding to recover the thing sued for, then is needful. As, if a Man Grant a Rent-charge of x l. out of his Mannor of Dale, and after the Grantee Disseise the Grantor of the same Mannor, who brings an Assise, and recovers the Land, and xx l. damages; which being paid, the Grantee brings his Action for x l. of his Rent due, during the time of the Disseisin, which he must have had, if no Disseisin had been. This is called *Circuit of Action*, because, whereas the Grantor was to receive xx l. damages, and pay x l. rent, he might have received but x l. only for damages, and the Grantee might have kept the other x l. in his hands, by way of *Detainer* for his Rent, and so have saved his Action. *Terms Ley.*

**Circumspecte Agatis**, Is the Title of a Statute made in the Thirteenth of Edward the First. *Anno Domini 1285.* prescribing certain Cafes to the Judges, wherein the Kings Prohibition lies not. *Coke*, lib. 7. fol. 44. Lib. 5. fol. 67. And 2 *Part. Inst.* fol. 487.

**Circumstantibus** (i. By-standers) Signifies the supply or making up the number of Jurors (if any impanelled, appear not, or appearing be challenged by either party) by adding to them so many of those that are present or standing by, as will serve the turn. 35 H. 8. c. 6. and 5 *Eliz.* cap. 25.

**Circscot** (Sax. *Cypiscot*, *Vetigal Ecclesiasticum, frumenti tributum.*) Church-scot, a certain Tribute or Payment made to the Church, commonly of Corn. *Fleta* calls it *Circscot*, quasi, Semen Ecclesie debitum. *Joh. Southam* ad Festum S. Martini in Teme debet 1 Gallinam (de redditu) & 5 Gallinas de Chirscot. *Customar. Monast. de Bello.* fol. 87. a. This Tribute was anciently payable at the Feast of S. Martin, and sometimes at *Christmas*, as appears by *Domesday*, and called by Sir Edw. Coke, *Church-scot*, on *Littl.* fol. 88. b. See *Churchscot*.

**Citp** (*Civitas*) Signifies with us, as it doth in other Regions, such a Town Corporate, as hath a Bishop and a Cathedral Church. Yet *Crompton* in his *Jurisd.* in reckoning our Cities, leaves out *Ely*, though it have a Bishop and a Cathedral Church. *Anno 35 Eliz.* cap. 6. *Westminster* is called a City, and it appears by the Statute 35 Hen. 8. cap. 10. that then there was a Bishop of *Westminster*: But by Letters Patent dated 21 May, 2 *Eliz.* (pursuant to an Act of Parliament of 1 *Eliz.* not Printed) the Revenues of that late Monastery were veiled in the Dean and Chapter of the Collegiate Church of *Westminster*, which hath caused Error in the Pleadings of some Cafes, by styling it the Cathedral, for Collegiate, Church of *Westminster*. *Cassanæus de Consuetud. Burgun.* pag. 15. saith, That France hath within its Territories 104 Cities, and gives his reason, Because there are so many Seats of Archbishops and Bishops. Yet Sir Edward Coke, notes *Cambridge* to be a City by ancient Record (viz. Mich. 7 Ric. 1. Rot. 1.) Though I finde no mention of its ever having been an Episcopall See. On *Littl.* fol. 109. b. And in the Stat. 11 Hen. 7. cap. 4. it is called the Town of *Cambridge*.

**Clack**: As to clack, force, and bard alias beard good Wooll, *Anno 8 Hen. 6.* cap. 22. whereof the first, viz. to clack Wooll, is to cut off the Sheeps mark, which makes it weight less, and so yield the less custom to the King. To force Wooll is, to clip off the upper and more hairy part of it; to bard or beard it, is to cut the head and the neck from the rest of the Fleeces.

**Claim** (*Clameum*) Is a Challenge of Intereit in any thing that is in the possession of another, or, at the least, out of his own; as *Claim* by Charter, *Claim* by Descent, &c. *Old Nat. Br.* fol. 11. Si Dominus infra annum clameum qualitercunque apposerit. *Braeton*, lib. 1. cap.

cap. 10. See the definition and divers sorts of *Claim*, in *Plowden*, *Casu Stowel*, fol. 359. a.

**Clamea Admittenda in itinere per Attornatum**, Is a Writ whereby the King commands the Justices in Eyre, to admit of ones *Claim* by Attorney, who is employed in the Kings-service, and cannot come in his own person. *Reg. of Writs*, fol. 19. b.

**Clap-board** (*Anno 35 Eliz.* cap. 11.) Is Board cut in order to make Cask or Vessels.

**Clarentius**. See *Herald*.

**Claves Insule**, i. The Keys of the Island. In the Isle of Man all ambiguous and weighty Cafes, are referred to Twelve, whom they call *Claves Insule*.

**Claustrum Fregit**. Mr. *Sommer*, in his *Saxon Dictionary*, conceives the original of those much used words in our Law-Pleadings, might come from the Saxon *Esep-hpyce*, which signifies Hedge-breaking (the Boughs, which close the top of the Hedge, being usually called *Ethe-ringe*.)

**Claustrum Pasche**. Stat. of *Westm.* 1. *Lendemain de la Cluse de Pasche*, that is, In *Crasino clausi Pasche*, or, in *Crasino Octabis Pasche*, which is all one; viz. The morrow of the *Uas of Easter*. 2 *Part. Inst.* fol. 157. — *Ad Curiam cum visu Franc. Pleg. tent. apud Maurdin die Jovis prox. post Festum Clausi Pasche*, *Anno 17 Edw. 4.* *Testatum fuit quod*, &c. *Claustrum Pasche*, i. *Dominica in Albis*; sic dictum, quod Pascha claudat.

**Claustra Hepe** — *Johannes Stanley Ar.* clamat quod ipse & heredes sui sunt quociens de Claustra Hepe de Macclesfield, scil. Claustra unius Roda terra circiter hayam pradiet. Rot. Plac. in Itinere apud Cestriam, *Anno 14 Hen. 7.*

**Clergy** (*Clerus*) Is diversly taken, sometime for the whole number of those, who are *De Clero Domini*, of our Lords lot or share, as the Tribe of *Levi* was in *Judea*; sometimes for a Plea to an Indictment, or an Appeal, and is by *Stamf.* (*Pl. Cor. lib. 2. cap. 41.*) thus defined. — *Clergy* is an ancient liberty of the Church, which hath been confirmed by divers Parliaments, and is, When a Priest, or one in Orders, is arraigned of Felony before a Secular Judge, he may pray his *Clergy*, which is as much, as if he prayed to be delivered to his Ordinary, to purge himself of the offence objected. And this might be done in case of Murder. *Coke*, lib. 4. fol. 46. a. This liberty is mentioned in *Articulis Cleri*. *Anno 9 Edw. 2. c. 26.* and what persons might have their *Clergy*, and what not, see *Stamf. Pl. Cor. lib. 2. cap. 42*, & 43. Yet there are many Statutes made since he wrote that Book, whereby the benefit of *Clergy* is abridged; as *Anno 8 Eliz.* cap. 4. — 14 *Ejusdem*, cap. 5. — 18 *Ejusdem*, cap. 45, 6, 7. — *Anno 23 Ejusdem*, cap. 2. — 29 *Ejusdem*, cap. 2. 31 *Ejusdem*, cap. 12. and 39 *Ejusdem*, cap. 9. & 15. Of this see *Cromptons Justice of Peace*, fol. 102—105. And *Lambert Eiren.* lib. 4. cap. 14. And note, that the ancient course of Law in this point, is

much altered; for by the Statute of 18 *Eliz.* cap. 7. Clerks are no more delivered to their Ordinaries to be purged, but now every Man, to whom this benefit is granted, though not in Orders, is put to read at the Bar, after he is found guilty, and convicted of such Felony, and so burnt in the hand, and set free for the first time, if the Ordinaries Commissioner or Deputy standing by do say — *Legit ut Clericus*; or otherwise he suffers death for his transgression. *Corwel.*

**Clerico Admittendo**, Is a Writ directed to the Bishop, for the admitting a Clerk to a Benefice, upon a *Ne Admittas* tried and found for the party that procures the Writ. *Reg. of Writs*, fol. 31.

**Clerico capto per Statutum Mercatorum**, &c. Is a Writ for the delivery of a Clerk out of prison, who is imprisoned upon the Breach of a Statute Merchant. *Reg. of Writs*, fol. 147.

**Clerico convicto commissio Goalz in defectu Ordinarii deliberando**, Is a Writ for the delivery of a Clerk to his Ordinary, that was formerly convicted of Felony, by reason his Ordinary did not challenge him according to the privileges of Clerks. *Reg. of Writs*, fol. 69. a.

**Clerico infra sacros ordines constituto, non eligendo in Officium**, Is a Writ directed to the Bailiffs, &c. that have thrust a Bailiwick or Beadleship upon one in holy Orders, charging them to release him. *Reg. of Writs*, fol. 143. a.

**Clerk** (*Clericus*) Hath two significations; one, as it is the title of him that belongs to the holy Ministry of the Church; under which, where the Canon Law hath full power, are, not onely comprehended *Sacerdotes & Diaconi*, but also *Subdiaconi*, *Cantores*, *Acolyti*, *Exorciste*, & *Ostiarii*. And in this signification, a Clerk is either Religious (otherwise called *Regular*) or Secular. *Anno 4 Hen. 4. cap. 12.* The other denotes those, who by their function or course of life, practise their Pen in any Court, or otherwise; as, the Clerk of the Rolls of Parliament, Clerks of the Chancery, &c. whose peculiar Offices shall be set down in order.

**Clerk of the Ax** (*Clericus Securi*) Is an Officer in the Navy, whose function is to carry a *Silver Ax*, wherewith to mark and seise Timber for the Kings use in His Navy, or otherwise, and mentioned in the Stat. 16 Car. 2. cap. 5. where it is Printed *Clerk of the Axt*, I suppose by mistake.

**Clerk of the Parliament Rolls** (*Clericus Rotulorum Parliamenti*) Is he that Records all things done in the High Court of Parliament, and engrosseth them fairly in Parchment Rolls, for their better preservation to posterity. Of these there are two, One of the *Lords House*, another of the *House of Commons*. *Crompt. Jurisd.* fol. 4. & 8. *Smith de Repl. Angl.* pag. 38. See also *Vowels* Book, touching the Order of the Parliament.

**Clerk of the Crown in Chancery** (*Clericus Curiae Coronae in Cancellaria*) Is an Officer there, who, by himself or Deputy, is continually to attend the Lord Chancellor, or Lord Keeper; writes and prepares for the Great Seal of England, special Matters of State by Commission, or the like, either immediately from His Majesty, or by Order of His Council, as well ordinary as extraordinary, viz. Commissions of Lieutenancy, of Justices Itinerant, and of Assizes, of Oyer and Terminer, of Goal Delivery, and of the Peace, with their Writs of Association, and the like. Also, all General Pardons upon Grants of them, at the Kings Coronation, or at a Parliament, where he sits in the Lords House in Parliament time; into whose Office the Writs of Parliament, made by the Clerks of the Pettibag, with the names of Knights and Burgeses, elected thereupon, are to be returned and filed. He hath also the making of all special Pardons, and Writs of Execution upon Bonds of Statute Staple forfeited, which was annexed to his Office in the Reign of Queen Mary, in consideration of his continual and chargeable attendance: Both these before being common for every Curfitor and Clerk of the Court of Chancery to make.

**Clerk of the Crown** (*Clericus Curiae Coronae*) Is a Clerk or Officer in the Kings Bench, whose function is to frame, read, and record all Indictments against Traitors, Felons, and other Offenders, there arraigned or indicted upon any publick crime. He is otherwise termed *Clerk of the Crown Office*. And Anno 2 Hen. 4. cap. 10. he is called *Clerk of the Crown of the Kings Bench*.

**Clerk of Assize** (*Clericus Assisorum*) Is he that writes all things judicially done by the Justices of Assize in their Circuits. *Comp. Jurisd. fol. 227.*

**Clerk of the Chest** (Anno 16 Car. 2. c. 5.) Keeps an account of the Monies collected, and kept in a Chest, for the use of sick and maimed Seamen and Mariners.

**Clerk of the Exchequer** (*Clericus Exchequerum*) Is a Clerk belonging to the Exchequer, who Termy receives the *Escheats* out of the Lord Treasurers Remembrancers Office, and writes them out to be levied for the King. He also makes Schedules of such sums escheated, as are to be discharged. See the *Practice of the Exchequer*, pag. 32.

**Clerk of the Bell** (*Clericus Pellis*) Is a Clerk belonging to the Exchequer, whose Office is to enter every Tellers Bill into a Parchment Roll, called (*Pellis Receptorum*), and also to make another Roll of Payments, which is called *Pellis Exitum*, wherein he sets down by what Warrant the Money was paid. This Officer is called in ancient Records *Clericus Domini thesauri*.

**Clerk of the Warrants** (*Clericus Warrantorum*) Is an Officer belonging to the Court of Common Pleas, who entereth all Warrants of Attorney for Plaintiff and Defendant, and inrols all Deeds of Indentures of Bargain and

Sale, which are acknowledged in the Court, or before any Judges out of the Court. And he Escheats into the Exchequer all Issues, Fines, and Amerciaments, which any way grow due to the King in that Court, and hath a standing Fee of Ten pounds of the King, for making the same Extreats. See *Fitzb. Nat. Br. fol. 76.*

**Clerk of the Pettibag** (*Clericus Parva bagae*) Is an Officer of the Chancery, of which sort there are three, and the Master of the Rolls their chief. Their Office is to record the Return of all Inquisitions out of every Shire; to make all Patents of Customers, Gaugers, Comptrollers, and Aulegers; all *Conge de Eschures* for Bishops; all *Liberates* upon Extents of Statute Staples; the recovery of Recognizances forfeited; and all *Elegits* upon them; the Summons of the Nobility, Clergy, and Burgeses to the Parliament; Commissions directed to Knights, and others of every Shire, for Assessing Subsidies; Writs for the nominations of Collectors for Fifteenths; and all Traverses upon any Office, Bill, or otherwise; to receive the Fees for Homages due to the Lord Great Chamberlain; of the Nobility, Bishops, &c. This Officer is mentioned, 33 Hen. 8. cap. 22.

**Clerk of the Kings Great Wardrobe** (*Clericus Magnae Garderobe Regis*) Is an Officer of the Kings House, that keeps an Account or Inventory in Writing, of all things belonging to the Kings Wardrobe. Mentioned Anno 1 Edw. 4. cap. 1.

**Clerk of the Market** (*Clericus Mercatus Hostii Regis*) Is an Officer of the Kings House (Anno 1 Edw. 4. cap. 1. and Anno 13 Rich. 2. cap. 4.) whose duty is to take charge of the Kings Measures, and to keep the Standards of them, that is, The examples of all the Measures that ought to be through the Land: As of Elms, Yards, Lagens, Quarts, Pottles, Gallons, &c. Of Weights, Bushels, and such like; and to see that all Measures in every place be answerable to the said Standard. *Fleta, lib. 2. cap. 8, 9, 10, 11, 12.* Of which Office, as also of our diversity of Weights and Measures, you may there finde a Treatise worth the reading. Britton also, in his 30 Chap. faith in the Kings Person, to this effect: *We will that none have Measures in the Realm, but we our selves; but that every Man take his Measures and Weights from our Standards.* And so goes on with a Tractat of this matter, that well shews the ancient Law and Practice in this point. Touching this Officers duty, you have also good Statutes. Anno 13 Rich. 2. cap. 4. and Anno 17 Car. 1. cap. 19. See 4 *Inst. fol. 273.*

**Clerk of the Kings Silver** (*Clericus Argenti Regis*) Is an Officer belonging to the Court of Common Pleas, to whom every Fine is brought, after it hath been with the *Custos Brevium*, and by whom the effect of the Writ of Covenant, is entered into a Paper-Book; and, according to that Note, all the Fines of that Term are also recorded in the Rolls of the

the Court. And his Entry is in this form: He puts the Shire in the Margin, and then faith, *A. B. Dat Domino Regi dimidium marcum* (or more according to the value) *pro licentia concordandi cum C. D. pro talibus terris, in tali villa, & habet chirographum per pacem admittum, &c.*

**Clerk of the Peace** (*Clericus Pacis*) Is an Officer belonging to the Sessions of the Peace. His duty is, in the Sessions to read the Endictments, to enrol the Afts, and draw the Procefs: To record the Proclamations of Rates for Servants Wages, to enrol the discharge of Apprentices, to keep the Counterpart of the Indenture of Armor, to keep the Register Book of Licenses, given to Badgers and Laders of Corn, and of those that are Licensed to shoot in Guns, and to certify into the Kings Bench Transcripts of Indictments, Outlawries, Attainders, and Convictions had before the Justices of the Peace, within the time limited by Statute. *Lamberts Eiven. lib. 4. cap. 3. fol. 379.*

**Clerk of the Signet** (*Clericus Signeti*) Is an Officer attendant continually on His Majesties Principal Secretary, who always hath the custody of the Privy Signet, as well for sealing His Majesties private Letters; as also such Grants as pass His Majesties Hand by Bill signed. Of these there are four that attend in their course, and have their diet at the Secretaries Table. More largely you may read of their Office in the Statute made Anno 27 H. 8. cap. 11.

**Clerk of the Privy Seal** (*Clericus Privati Sigilli*) There are four of these Officers that attend the Lord Privy Seal, or (if none such) the Principal Secretary, writing and making out all things that are sent by Warrant from the Signet to the Privy Seal, and are to be passed to the Great Seal; as also to make out (as they are termed) *Privy Seals* upon any special occasion of His Majesties affairs; as for Loan of Money, and such like. Of this Officer and his Function, you may read the Statute 27 H. 8. cap. 11. He that is now called the *Lord Privy Seal*, seems in ancient time to have been called *Clerk of the Privy Seal*, and to have been reckoned, notwithstanding, in the number of the great Officers of the Realm. Read the Statute 12 Rich. 2. cap. 11.

**Clerk of the Juries or Jurata Writs** (*Clericus Juratorum*) Is an Officer belonging to the Court of Common Pleas, who makes out the Writs called (*Habeas Corpora*) and (*Disstringas*) for appearance of Juries, either in Court, or at the Assizes, after the Jury or Panel is returned upon the (*Venire facias*.) He enters also into the Rolls the Awarding of these Writs, and makes all the continuance from the going out of the (*Habeas Corpora*) until the verdict be given.

**Clerk of the Pipe** (*Clericus Pipe*) Is an Officer in the Exchequer, who, having all Acccompts and Debts due to the King, delivered and drawn out of the Remembrancers Offices,

charges them down into the great Roll; who also writes Summons to the Sheriff, to levy the said Debts upon the Goods and Cattels of the Debtors; and if they have no Goods, then he draws them down to the Lord Treasurers Remembrancer, to write Escheats against their Lands. The ancient Revenue of the Crown remains in charge before him, and he sees the same answered by the Farmers and Sheriffs. He makes a charge to all Sheriffs of their Summons of the Pipe and Green Wax, and sees it answered upon their Accompts. He hath the drawing and ingrossing all Leases of the Kings Land. In Henry the Sixths time, he was called *Ingrossator Magni Rotuli*.

**Clerk of the Hamper or Vanaper** (*Clericus Hanaperii*) Is an Officer in Chancery, (Anno 2 Edw. 4. cap. 1.) otherwise called *Warden of the Hamper*, in the same Statute, whose Function is to receive all the Money due to the King for the Seals of Charters, Patents, Commissions, and Writs; as also Fees due to the Officers for enrolling and examining the same, with such like. He is tied to attendance on the Lord Chancellor, or Lord Keeper daily in the Term time, and at all times of sealing, having with him Leather Bags, wherein are put all Charters, &c. After they are sealed, those Bags, being sealed up with the Lord Chancellors Private Seal, are delivered to the Comptroller of the Hamper, who upon receipt of them, doth, as you shall read in his Office. This *Hanaper* represents a shadow of that which the Romans termed (*Fiscum*) which contained the Emperors treasure.

**Clerk of the Pleas** (*Clericus Placitorum*) Is an Officer in the Exchequer, in whose Office all the Officers of the Court (upon especial Priviledge belonging unto them) ought to sue, or to be sued upon any Action, &c. See the *Practice of the Exchequer*, pag. 86. and 4 *Inst. fol. 107.*

**Clerk of the Treasury** (*Clericus thesaurariae*) Is an Officer belonging to the *Common Pleas*, who hath the charge of keeping the Records of the Court, and makes out all the Records of *Nisi Prius*, hath the Fees due for all searches, and hath the certifying all Records into the Kings Bench, when a Writ of Error is brought: Also he makes all Exemptions of Records being in the Treasury. He is taken to be the servant of the Chief Justice, and removeable at his pleasure, whereas all other Officers are for term of life. There is also a Secondary, or Under-Clerk of the Treasury for Assistance, who hath some allowances. And likewise an Under-Keeper, who always keeps one Key of the Treasury door, and the chief Clerk of the Secondary an other; so as the one cannot come in, without the other.

**Clerk of Essoyns** (*Clericus Essoynorum*) Is an Officer belonging to the Court of Common Pleas, who keeps the *Essoyn-Rolls*, and hath for entering every Essoyn six pence, and for every Exception to Bar the Essoyn, in case where the party hath omitted his time, six pence.

pence. He hath also the providing of Parchment, and cutting it out into Rolls, and marking the numbers upon them, and the delivery out of all the Rolls to every Officer, and the receiving them again when they are written, and the binding and making up the whole Bundles of every Term; and thus he doth as Servant to the chief Justice. For the chief Justice is at charge for the Parchment of all the Rolls; for which he is allowed, as the chief Justice of the *Kings Bench*, besides the penny for the Seal of every Writ of Privilege and Utlary, the seventh penny taken for the Seal of every Writ under the Green Wax, or Petit Seal in the Court of *Kings Bench* and *Common Pleas* respectively, the said Lord Chief Justices having annexed to their several Offices or places, the custody of the said Seals belonging to each Court.

**Clerk of the Outlaries** (*Clericus Utlagariarum*) Is an Officer belonging to the Court of *Common Pleas*, being only the Servant or Deputy to the Kings Attorneys General, for making out Writs of (*Capias Utlagatum*) after Outlary; the Kings Attorneys name being to every one of those Writs. And whereas seven pence is paid for the Seal of every other Writ, betwixt party and party, there is but a penny paid for the Seal of this Writ, because it goes out at the Kings Suit.

**Clerk of the Errors** (*Clericus Errorum*) In the Court of *Common Pleas* does transcribe and certify into the *Kings Bench*, the Tenor of the Records of the Cause or Action; upon which, the Writ of Error (made by the *Custitor*) is brought, there to be adjudged and determined. The Clerk of the Errors in the *Kings Bench*, does likewise transcribe and certify the Records of such Causes in that Court, into the *Exchequer*, if the Cause or Action were by *Bill*: If by *Original*, the Lord Chief Justice certifies the Record into the House of Peers in Parliament, by taking the Transcript from the Clerk of the Errors, and delivering it to the Lord Keeper, there to be determined, according to the Statutes 27 Eliz. 8. and 31 Eliz. 1. The Clerk of the Errors in the *Exchequer* does transcribe the Records, certified thither out of the *Kings Bench*, and prepares them for Judgment in the Court of *Exchequer*, to be given by the Justices of the *Common Pleas*, and Barons there. See 16 Car. 2. cap. 2. and 20 Eiusdem, cap. 4.

**Clerk of the Sewers** (*Clericus Scurarum*) Is an Officer appertaining to the Commissioners of Sewers, writing all things that they do by virtue of their Commission, for which see *Sewers*: And see the Statute of 13 Eliz. cap. 9.

**Clerk Comptroller of the Kings House** (whereof there are two) Is an Officer in the Court that hath Authority to allow or disallow the charges and demands of Pursuivants, Messengers of the *Green-cloth*, or other like. He hath also the oversight and controlling of all Defects and Miscarriages of any the Inferior

Officers, and to sit in the Counting-house with the Superior Officers (*viz.*) The Lord Steward, Mr. Treasurer, Comptroller, and Cofferer, either for correcting, or bettering things out of Order. This Officer is mentioned Anno 33 Hen. 8. cap. 12.

**Clerk of the Richis or Nibils** (*Clericus Nihilorum*) Is an Officer in the *Exchequer*, who makes a Roll of all such sums, as are nibiled by the Sheriffs upon their Estreats of *Green-wax*, and delivers the same into the Lord Treasurers Remembrancers Office, to have execution done upon it for the King. See the Stat. 5 Rich. 2. cap. 13. Stat. 1. and Practice of the *Exchequer*, pag. 101. See *Nihil*.

**Clerk of the Check**, Is an Officer in the Court, so called because he hath the *Check* and Controlment or the Yeomen of the Guard, and all other ordinary Yeomen and Huitiers belonging either to His Majesty, the Queen, or Prince; either giving leave or allowing their Absences or Deicts in attendance, or diminishing their Wages for the same. He also nigratly by himself, or Deputy, takes the view of those that are to watch in the Court, and hath the setting of the Watch. This Officer is mentioned Anno 33 Hen. 8. cap. 12. Also there is an Officer of the same name in the Kings Navy, and mentioned Anno 19 Car. 2. cap. 1.

**Clerk Marshal of the Kings House**, Seems to be an Officer that attends the Marshal in His Court, and Records all His proceedings. Anno 33 Hen. 8. cap. 12.

**Closh**, Was an unlawful Game, forbidden by the Statute of 17 Edw. 4. cap. 3. and seems to have been the same with our *Nine Pins*; elsewhere called *Closh-cayls*. Anno 33 Hen. 8. cap. 9. Though some think it might be the same Game, which is still used by idle persons in *Lincolns-Inn Fields*, and now called *The Wheel of Fortune*, wherein they turn about a thing like the Hand of a Clock, in Fr. *Cloche*.

**Clobe**, Is the Two and thirtieth part of a Weight of Cheese, i. Eight pound. An. 9 Hen. 6. cap. 8. See *Waga*.

**Cocherings**, An Exaction or Tribute in Ireland. See *Bonaght*.

**Cocket or Coket** (*Cokettum*) Is a Seal belonging to the Kings Custom-house. Reg. of Writs, fol. 192. a. Also a Scrol of Parchment sealed and delivered by the Officers of the Custom-house to Merchants, as a Warrant, that their Merchandises are custumed. Anno 11 Hen. 6. cap. 16. Which Parchment is otherwise called *Littera de Coketto*, or *Littera testimoniales de Coketto*. Reg. fol. 179. a. So is the word used, Anno 5 & 6 Edw. 6. cap. 14. And 14 Edw. 3. Stat. 1. cap. 21. None shall make Writs to be Cocketted, but in the name of him to whom the Writs be. Anno 13 Rich. 2. cap. 9.

**Coket**, Is also used for a distinction of Bread in the Statute of Bread and Ale, made 31 Hen. 3. The words are, When a quarter of Wheat is sold for xii d., then Wastel-Bread of a Farthing

Farthing shall weigh vi l. and xvi s; but Bread-Cocket of a Farthing, of the same Corn and Bultel. shall weigh more then Wastel by ii s. And Cocket-Bread made of Corn of lower price, shall weigh more then Wastel by v s. Bread made into a Simnel, shall weigh ii s. less then Wastel: Bread made of the whole Wheat, shall weigh a Cocket and a half; so that a Cocket shall weigh more then a Wastel by v s. Bread of Treet shall weigh two Wastels; and Bread of Common Wheat shall weigh two great Cockets. When a Quarter of Wheat is sold for xviii d. then Wastel-Bread of a Farthing, White and well-baked, shall weigh iv l. x s. when for ii s, iii l. viii s. &c. By which, we may perceive, that Wastel-Bread was the finest, Cocket-Bread next, then Bread of Treet, and lastly, Bread of Common Wheat as we now call the finest Bread, Wheaten, or French Bread, the second sort White Bread, the third Brown, or Household Bread, &c.

**Codicil** (*Codicillus*) A Schedule or Supplement to a Will, or some other Writing; some Writers, conferring a Testament, and a Codicil together, call a Testament a great Will, and a Codicil a little one; and compare a Testament to a Ship, and the Codicil to the Boat tied to the Ship.

Codicil is used as an addition annexed to a Testament, when any thing is omitted, which the Testator would add, explain, alter, or retract; and is the same with a Testament, but that it is without an Executor. See *Swinb.* pag. 1. sect. 5. and *Touchstone of Wills*, pag. 21, 22.

**Coffe** (Anno 15 Car. 2. cap. 11.) A kinde of drink brought hither from the Turks and Persians, black, thick, and bitter, distained from Berries of that nature and name, yet thought to be good and wholesome.

**Cofferer of the Kings Household**, Is a Principal Officer of the Court, next under the Comptroller, who in the Counting-House, and elsewhere, hath a special charge and oversight of other Officers of the Household, for their good demeanour and carriage in their Offices, and pays their wages. This Officer is mentioned. Anno 39 Eliz. cap. 7.

**Cogs** (*Cogones*) Seems to be a kinde of Vessel or Boat, upon the River of Ouse, and Water of Humber, mentioned in the Statute of 23 Hen. 8. cap. 18. Also a kinde of Ship; For I finde in *Matth. Westm.* Anno Dom. 1066. — *Venit ad hoc in Angliam* (Rex Noricorum) trecentis Coggonibus advenit.

**Cognatione**. See *Cosenage*.

**Cognitor**. See *Comisor*.

**Cognitionibus Mittendis**, Is a Writ to a Justice, or other that hath power to take a Fine (who having taken it, defers to certify it into the Court of *Common Pleas*) commanding him to certify it. Reg. of Writs, fol. 68. b.

**Cognizance** (Fr. *Cognissance*, i. *cognitio*) Is used diversly; sometimes signifying the Badge of a Waterman, or Serving-Mans Sleeve,

which is commonly the givers Crest, whereby he is discerned to belong to this, or that Noble or Gentleman: Sometimes an acknowledgment of a Fine, or Confession of a thing done; as *Cognoscens latro*. *Bract. lib. 3. tract. 2. cap. 3. 20, 32.* And to make *Cognizance* of taking a Distress. Sometimes, as an audience or hearing a matter judicially, as to take *Cognizance*. Sometimes a Power or Jurisdiction, as *Cognizance of Plea*, is an ability to call a Cause or Plea out of another Court, which no Man can do but the King, except he can shew Charters for it. *Manw. par. 1. pag. 68.* For such *Cognizance* lies not in Prescription.

**Cogware**, Seems to be a sort of Course Cloaths, made in the North of England, mentioned in the Stat. 13 Rich. 2. cap. 10. Where there is mention also of *Cogmen*, that is, Buyers of, Makers or Dealers in, such *Cogware*.

**Coif** (*Coisa*, Fr. *Coiffe*) Our Serjeants at Law, are otherwise called *Serjeants of the Coif*; from the Lawn Coif they wear on their Heads, under their Cap, when they are created, and always after. See *Serjeant*.

**Coin** (Fr. *Coign*, i. *Angulus*, which probably verifies the opinion of such as hold the ancientest sort of Coin to be cornered, and not round) any sort of Money coyned. *Crompt. Just. of P. fol. 220.*

**Coinage**, Besides the general signification, relating to Money: It is (says *Camden*) by a Law provided, That all the Tin in Cornwall, after it is cast and wrought, shall be weighed and signed with a stamp, which is called *Coinage*. *Britan. fol. 186.* and Anno 11 Hen. 7. cap. 4. Some Authors write it *Cunage*.

**Coket**. See *Cocket*.

**Coliberts** (*Coliberti*) Sunt tenentes in libero Soccaggio. M. S. Or such as of Villains were made Freemen.

**Collateral** (*Collateralis*) Side-wise, or which hangs by the side, or comes in side-wards, not direct: As *Collateral Assurance*, is that which is made over and beside the Deed it self; as, If a Man covenant with another, and enter Bond for performance of his Covenant, the Bond is termed *Collateral Assurance*; because it is external, and without the nature and essence of the Covenant. And *Crompton* (*Juris. fol. 185.*) saith, That, to be subject to the feeding of the Kings Deer, is *Collateral to the Soil with-in the Forest*. So we may say, That Liberties to pitch Booths, or Standings for a Fair in another Mans Ground, is *Collateral to the Ground*. The Private Woods of a common person, with-in a Forest, may not be cut without the Kings Licence; for it is a Prerogative *Collateral to the Soil*. *Manwood, par. 1. pag. 66.*

**Collateral Warrant**. See *Warrant*.

**Collation of Benefice** (*Collatio Beneficii*) Signifies properly the bestowing a Benefice by the Bishop, who hath it in his own gift or patronage, and differs from *Institution* in this, That *Institution* into a Benefice, is performed by the Bishop, at the motion or presentation of another, who is Patron of it, or hath the Patrons right

right for the time. Yet *Collation* is used for presentation, Anno 25 Edw. 3. Stat. 6.

**Collatione facta uni post mortem alterius, &c.** Is a Writ directed to the Justices of the Common Pleas, commanding them to direct their Writ to a Bishop, for the admitting a Clerk in the place of another presented by the King, who, during the suit between the King and the Bishops Clerk, is departed this life: For, Judgment once passed for the Kings Clerk, and he dying before admittance, the King may bestow his presentation on another. Reg. of Writs, fol. 31. b.

**Colour (color)** Signifies a probable Plea, but in truth, false, and hath this end, to draw the trial of the Cause from the Jury to the Judges. As, in an Action of Trespass for taking away the Plaintiffs Beasts, the Defendant saith, That before the Plaintiff had any thing in them, he himself was possessed of them, as of his proper Goods, and delivered them to A. B. to deliver them to him again, when, &c. And A. B. gave them to the Plaintiff, and the Plaintiff, supposing the property to be in A. B. at the time of the gift, took them, and the Defendant took them from the Plaintiff, whereupon the Plaintiff brings his Action. — This is a good Color, and a good Plea. See Doctor and Student, lib. 2. cap. 13. And Broke, tit. Color in Assise, Trespass, &c. fol. 104.

**Collusion (Collusio)** Is a deceitful agreement or compact between two or more, for the one party to bring an Action against the other to some evil purpose, as to defraud a third person of his right, &c. See the Statute of Westminster. 2. cap. 32. and Hen. 6. cap. 26. which gives the *Quale jus* and enquiry in such Cases. See Broke, tit. Collusion, and Reg. of Writs, fol. 179. a. Gifts made by Collusion, see in 50 Edw. 3. cap. 6.

**Combat (Fr.)** Signifies as much as *Certamen, pugna*; But with us it is taken for a formal trial between two Champions, of a doubtful cause or quarrel, by the Sword or Basons; of which you may read at large in Glanville, lib. 14. cap. 1. Bracton, lib. 3. tract. 2. cap. 21. Britton, cap. 22. Horns Mirror of Justice, lib. 3. cap. Des Exceptions in fine proximo & cap. Juramentum Duelli. Dyer, fol. 301. num. 41, 42: When Alan de la Zouch had judicially sued John Earl of Warren, who chose rather to try the title by the Sword Point, than by Point of Law, he was wounded by him even in Westminster-hall, in the year 1269. says Camden in his Britan. fol. 519. The last Trial by combat was admitted 6 Car. 1. between Donnoild Lord Rey, Appellant, and David Ramsey, Esquire, Defendant, Scotchmen, in the Painted Chamber at Westminster, before Robert Earl of Lindsey, Lord High Constable, Thomas Earl of Arundel, Earl Marshal, with other Lords; where, after the Court had met several times, and Bill, Answer, and Replication put in by the Parties, and Council heard with other Formalities, it was at last determined, that the matter should be referred to the Kings will and pleasure,

whose favor enclined to Ramsey. Bakers Chron. fol. 500. See Coke on Litt. fol. 294. b. Origines Juridicales, fol. 65. And Spelmans Gloss: at large, verbo, Campus.

**Comitatu Commissio**, Is a Writ or Commission, whereby the Sheriff is authorized to take upon him the charge of the County. Reg. of Writs, fol. 295. Cokes Rep. lib. 3. fol. 72. a.

**Comitatu & Castro Commissio**, Is a Writ whereby the charge of a County, with the keeping of a Castle is committed to the Sheriff. Reg. of Writs, fol. 295.

**Comitatus**. — Of dead Firms and Debts desperate, whereof there is no hope, one Koll shall be made, and shall be entitled, Comitatus, and read every year upon the account of Sheriffs. 10 Edw. 1. cap. unico.

**Commandry (Preceptoria)** Was a Mannor or cheif Mesuage, with Lands and Tenements appertaining thereto, belonging to the Priory of St. Johns of Jerusalem in England; and he, who had the Government of any such Mannor or House, was called the *Commander*; who could not dispose of it, but to the use of the Priory, onely taking thence his own sustenance, according to his degree, who was usually a Brother of the same Priory. New Eagle in the County of Lincoln, was, and still is called the *Commandry of Eagle*, and did anciently belong to the said Priory; so were *Slebach* in Pembroke-shire, and *Shengay* in Cambridge-shire *Commandries*, in time of the Knights-Templers, says Camd.

These, in many places of England, are termed Temples, as *Temple Bruere* in Lincoln-shire, *Temple Newsum* in York-shire, &c. because they formerly belonged to the said Templers. Of these read Anno 26 Hen. 8. cap. 2. and 32 Ejsdem, cap. 24. See Preceptories.

**Commandment (Preceptum)** Hath a divers use; as the *Commandment* of the King, when, upon his meer motion and from his own mouth, he casts any Man into Prison. Stamford. Pl. Cor. fol. 72. *Commandment* of the Justices is either absolute or ordinary. Absolute, as when, upon their own Authority in their Wisdom and Discretion, they commit a Man to prison for a punishment. Ordinary is, when they commit one rather for safe-custody, then punishment. A Man committed upon an Ordinary *Commandment* is releivable. Pl. Cor. fol. 73. *Commandment* is again used for the offence of him, that willett another Man to transgress the Law, or to do any thing contrary to the Law; as Murther, Theft, or such like. Bracton, lib. 3. tract. 2. cap. 19. which the Civilians call *Mandatum*.

**Commendam (Ecclesia Commendata)** Is a Benefice or Church-Living, which being void, is commended to the charge and care of some sufficient Clerk, to be supplied, until it may be conveniently provided of a Pastor. And, that this was the true original of this practise, you may read at large in Durandus, De sacris Ecclesiis Ministeriis & Beneficiis, lib. 5. cap. 7. He to whom the Church is commended, hath the Fruits and Profits thereof, onely for a certain time,

time; and the Nature of the Church is not changed thereby, but is as a thing deposited in his hands in trust, who hath nothing but the custody of it, which may be revoked. When a Parson is made Bishop, there is a Cession of his Benefice by the Promotion; but if the King gives him power to retain his Benefice, he shall continue Parson, and is said to hold it in *Commendam*. Hob. Rep. fol. 144. Latches Rep. fol. 236, 237. See Ecclesiastica commendata, in Gloss. x. Scriptor.

**Comminalty (Fr. Communauté)** Includes all the Kings Subjects. So in Art. super Chartas 28 Edw. 1. cap. 1. Tout le Commune d'Engleterre, signifies all the People of England. 2 Inst. fol. 539.

**Commistary (Commisarius)** Is a Title of Ecclesiastical Jurisdiction, appertaining to such a one, as exerciseth Spiritual Jurisdiction in places of the Dioceses so far distant from the cheif City, as the Chancellor cannot call the Subjects to the Bishops Principal Consistory, without their too great molestation. This *Commistary* is by the Canonists called *Commisarius* or *Officialis furancus*. Lyndwoods Provin. cap. 1. And is ordained to this special end, that he supply the Bishops Jurisdiction and Office in the out places of the Dioceses, or else in such Parishes as are peculiar to the Bishop, and exempted from the Jurisdiction of the Arch-deacon. For where either by Prescription or Composition, Arch-deacons have Jurisdiction within their Arch-deaconries, as in most places they have, this *Commistary* is but superfluous, and oft-times vexatious to the people. Therefore the Bishop, taking Prestation Money of his Arch-Deacons yearly, *Pro exteriori Jurisdictione*, as it is ordinarily called, does by super-onerating their circuit with a *Commistary*, not onely wrong Arch-deacons, but the poorer sort of Subjects much more. Cowel. and see 4 Inst. fol. 338.

**Commission (Commissio)** Is with us, as much as *delegatio* with the Civilians, and is taken for the Warrant or Letters Patent, which all Men (exercising Jurisdiction, either ordinary or extraordinary) have to authorize them to hear or determine any cause or action. Of these see divers in the Table of the Reg. of Writs, and see Broke, tit. Commission; yet this word is sometimes extended farther then to Matters of Judgment, as the *Commission* of Purveyors or Takers, Anno 11 Hen. 4. cap. 28. which seems to be null by the Statute, for taking away Purveyance. Anno 12 Car. 2. cap. 24. The High Commission Court which was founded upon the Statute 1 Eliz. cap. 1. is also abolished by Act of Parliament, 17 Car. 1. cap. 11. and that again explained by another Act, 13 Car. 2. cap. 12.

**Commission of Association** (mentioned 18 Eliz. cap. 9.) Is a Commission under the Great Seal, to associate two or more learned persons, with the several Justices in the several Circuits and Counties in Wales.

**Commission of Anticipation**, Was a Commission under the Great Seal, to collect a Subsidy before the day. Anno 15 Hen. 8. Cokes 12 Rep. fol. 120.

**Commission of Rebellion (Commissio Rebellionis)** Is otherwise called a *Writ of Rebellion*, and Issues, when a Man (after Proclamation issued out of the Chancery, and made by the Sheriff, to present himself, under pain of his allegiance to the Court, by a certain day) appears not. And this Commission is directed by way of command to certain persons, three, two or one of them, to apprehend or cause to be apprehended, the party, as a Rebel, or contemner of the Kings Laws; wherefoever they finde him within the Kingdom, and bring or cause him to be brought to the Court upon a day therein assigned: The Form of it you have in West. Tract. Touching proceedings in Chancery, Sect. 24.

**Commissioner (Commissionarius)** Is he that hath Commission, as Letters Patent, or other lawful Warrant, to execute any Publick Office; as Commissioners of the Office of Licences of Alienation. West. Part. 2. Symb. tit. Finer, Sect. 106. Commissioners in Eyr. Anno 3 Edw. 7. cap. 26. With many such like.

**Committe**. Is he, or they to whom the consideration or ordering of any matter is referred, either by some Court or Consent of Parties to whom it belongs. As in Parliament, a Bill being read, is either consented to and passed, or denied, or neither, but referred to the consideration of some certain persons, appointed by the House farther to examine it, who thereupon are called a *Committee*. Committee of the King. West. pa. 2. Symb. tit. Chancery, Sect. 144. This word seems to be strangely used in Kitchin, fol. 160. where the Widdow of the Kings Tenant being dead, is called the *Committee of the King*, that is, one committed by the ancient Law of the Land, to the Kings care and protection.

**Commouigne (Fr.)** A Fellow-Monk, that lives in the same Convent. 3 Part. Instit. fol. 15.

**Common (Commune, i. quod ad omnes pertinet)** Signifies that Soil or Water, whereof the use is common to this or that Town or Lordship; as *Common of Pasture*, (*Commune Pastura*.) Bracton, lib. 4. cap. 19. & 40. *Common of Fishing*, (*Commune Piscaria*.) Idem, lib. 2. cap. 34. *Common of Turbary*, (*Commune Turbaria*, i. Of digging Turves.) Idem, lib. 4. cap. 41. *Common of Estovers*, (*Commune Estoverium*.) Kitchin, fol. 94. &c. Common is divided into *Common in Gross*, *Common Appendant*, *Common Appurtenant*, and *Common per case de Vicinage*, i. By reason of Neighborhood.

*Common in Gross*, Is a liberty to have Common alone (that is) without any Land or Tenement, in another Mans Land, to himself for life, or to him, and his heirs; and it is commonly passed by Deed of Grant or Specialty. Old Nat. Bn. fol. 21. & 37.



**Common Appendant**, and **Common Appurtenant**, are in a manner confounded, as appears by *Fitz. Nat. Br. fol. 180.* And are defined to be a Liberty of **Common Appurtenant** to, or **Depending** on such, or such a Freehold; which **Common** must be taken with Beasts Commonable; as Horses, Oxen, Kine, and Sheep, being accounted fittest for the Ploughman; and not of Goats, Geese, and Hogs: But some make this difference, That **Common Appurtenant** may be severed from the Land whereto it pertains, but not **Common Appendant**; which (according to *Sir Edw. Coke, lib. 4. fol. 37.*) had this beginning — When a Lord enfeoffed another in Arable Lands, to hold of him in *Socage*; the Feoffee, to maintain the service of his Plough, had at first, by the Curtesie or Permission of the Lord, **Common** in the Wastes of his Lord, for his necessary Beasts, to ear and compost his Land, and that for two Causes; one, for that, as then it was taken, it was tacitly implied in the Feoffment, by reason the Feoffee could not Till, nor Compost his Land without Cattle, and Cattle could not be sustained without Pasture, and so by consequence the Feoffee had, as a thing necessary and incident, **Common** in the Wastes and Land of the Lord. And this appears by the ancient Books, *Temp. Ed. 1. tit. Common 24.* and *17 Edw. 2. tit. Common 23.* and *20 Edw. 3. tit. Admeasurement 8.* and by the rehearsal of the Statute of Merton, *cap. 4.* The second reason was, for maintenance and advancement of Tillage, which is much regarded and favored by the Law.

**Common per cause de Vicinage** (i. **Common** by reason of Neighborhood) Is a Liberty that the Tenants of one Lord in one Town, have to **Common** with the Tenants of another Lord in another Town: Those that challenge this kinde of **Common** (which is usually called *Intercommoning*) may not put their Cattel into the **Common** of the other Town; for then they are distrainable, but, turning them into their own Field, if they stray into the Neighborhood **Common**, they must be suffered; provided they do not surcharge either **Common**. **Common of Pasture**, the *Civilians* call *ius compascendi*.

**Common Bench** (*Bancus Communis*, from the Sax. *banc*, i. A Bank, or Hillock, and metaphorically a Bench, High Seat or Tribunal.) The Court of **Common Pleas** was anciently so called. *Anno 2 Edw. 3. cap. 11.* because (saith *Camden* in his *Britan.* pag. 113.) *Communia Placita inter subditos ex iure nostro, quod Commune vocant, in hoc disceptantur*, that is, the Pleas or Controversies between common persons are there tried. And the Justices of that Court in Legal Records, are termed *Iusticiarii de Banco*. *Coke on Littl. fol. 75. b.* See **Common Pleas**.

**Common Fine** (*Finis Communis*) Is a certain sum of Money, which the Reliants within the view of some Leets, pay to the Lord thereof, called in divers places *Head-silver*, in others *Cert-money*, or *Certum Lota*, and

*Head-pence*; and was first granted to the Lord towards the charge of his purchase of the Court Leet, whereby the Reliants had now the ease, to do their Suit-Royal neerer home, and not be compelled to go to the *Sheriffs Turn*. As in the Mannor of *Sheaphhead* in *Com. Leic.* every Reliant pays 1 d per Poll to the Lord, at the Court held after *Michaelmas*, which is there called *Common Fine*. There is also *Common Fine* of the County, for which see *Fleta, lib. 7. cap. 48.* and the Statute of *3 Edw. 1. cap. 18.* But the Clerk of the Market shall take no *Common Fine*, *Anno 13 Rich. 2. cap. 4.* For *Common Fine*, the Lord cannot distrain without a prescription. *Godfreys Case*, in *Sir Edw. Cokes 11 Reports*.

**Common Pleas** (*Communia Placita*) Is the Kings Court, now constantly held in *Westminster Hall*, but in ancient time moveable, as appears by *Magna Charta, cap. 11. 2 Edw. 3. cap. 11.* and *Pupilla oculi, Parte 5. cap. 22.* But *Gwin*, in the Preface to his *Readings*, saith, That until *Henry the Third* granted the Great Charter, there were but two Courts in all, called the *Kings Courts*, viz. The *Exchequer* and the *Kings Bench*, which was then called *Curia Domini Regis*, and *Aula Regis*; because it followed the Court or King, and that upon the Grant of that Charter, the Court of **Common Pleas** was erected and settled in one place certain, viz. *Westminster Hall*; and therefore after that, all the Writs ran, *Quod sit coram Iusticiariis meis apud Westm.* whereas before the party was commanded by them to appear, *Coram me vel Iusticiariis meis*, simply without addition of place, as he well observes out of *Glanville* and *Bracton*, the one writing in *Henry the Second's* time, before this Court was erected; the other in the later end of *Henry the Third's* time, who erected this Court. All Civil Causes, both Real and Personal, are or were in former times tried in this Court, according to the strict Law of the Realm; and by *Fortescu, cap. 50.* it seems to have been the onely Court for Real Causes. The Chief Justice thereof, is called the Lord Chief Justice of the **Common Pleas**, accompanied with three or four Judges, Assistants, or Associates, who are created by Letters Patent, and, as it were, enfeoffed or placed on the **Common Bench**, by the Lord Chancellor, and Lord Chief Justice of the Court, as appears by *Fortescu, cap. 51.* who expresseth all the circumstances thereof. The rest of the Officers belonging to this Court, are, The *Custos Brevium*, three *Prothonotaries*, otherwise called *Prenotaries*, *Chirographer*, 14 *Filazers*, 4 *Esigenters*, Clerk of the Warrants, Clerk of the *Juries*, or *Jurata Writs*, Clerk of the *Treasury*, Clerk of the *Kings Silver*, Clerk of the *Essoyns*, Clerk of the *Oustlawes*, Clerk of the *Errors*. Whose distinct Functions read in their places. See **Common Bench**, and *4 Inst. fol. 99.*

**Common Day in Plea of Land** (*Anno 13 Rich. 2. Stat. 1. cap. 17.*) Signifies an Ordinary day in Court, as *Osabius Hillarii, Quindena Pasche*,

*Pasche, &c.* Which you may see in the Statute of *51 Hen. 3.* concerning general days in the Bench.

**Common Intendment**, Is **Common Understanding** or **Meaning**, according to the Subject Matter, not strained to an exotick sense. *Bar to Common Intendment*, is an Ordinary or General Bar, which commonly disables the Declaration of the Plaintiff. Of **Common Intendment**, a Will shall not be supposed to be made by Collusion. *Coke on Littl. fol. 78. b.* See **Intendment**.

**Commons House of Parliament**, Is so called, because the **Commons** of the Realm, that is, the Knights, Citizens, and Burgesses representing them, do sit there. *Crompt. Jurisd. 9.*

**Common Law** (*Communis Lex*) Hath three significations: First, It is taken for the Laws of this Realm simply, without any other Law joyned to it; As, when it is disputed, what ought of right to be determined by the **Common Law**, and what by the **Spiritual Law**, or **Admirals Court**, or the like. Secondly, For the *Kings Court*, as the *Kings Bench* or **Common Pleas**, onely to shew a difference between them and the **Base Courts**, as **Customary Courts**, **Court Barons**, **County Courts**, **Pipowders**, and such like: As when a Plea of Land is removed out of Ancient Demesne, because the Land is **Frank-fee**, and pleadable at the **Common Law**, that is, in the *Kings Court*, and not in Ancient Demesne, or any other **Base Court**. Thirdly, and most usually, by the **Common Law**, is understood such Laws as were generally taken and holden for Law, before any Statute was made to alter the same. As, neither Tenant for Life, nor for Years, were punishable by the **Common Law** for doing Waste, till the Statute of *Glouc. cap. 5.* was made, which gives an Action of Waste against them. But Tenant by the *Curtesie*, and Tenant in *Dower*, were punishable for it before the said Statute. See **Law**.

**Commonth. See Comorth.**

**Commote** (Br. *Commotod*, i. *Provincia*) In *Wales* is half a Cantred or Hundred, containing Fifty Villages. *Stat. Wallie, 12 Edw. 1. and 21 Hen. 3. cap. 26.* It signifies also a great Seignory, and may include one or divers Mannors. *Coke on Littl. fol. 5.*

**Commune. See Comminalty.**

**Communi Custodia**, Is a Writ that did lie for that Lord, whose Tenant, holding by Knights-service, died and left his eldest Son under age, against a Stranger that entred the Land, and obtained the Ward of the Body. *Old Nat. Br. fol. 89.* But this Writ is become obsolete since Wardships were taken away by the *Stat. 12 Car. 2. cap. 24.*

**Communication** (*Communicatio*) A talking, consultation, or conferring with. Where there is onely a Parley betwixt two, and no perfect Agreement, that is, no such Contract between them, as on which to ground an Action, it is called a **Communication**.

**Communia placita non tenenda in Scaccario**, Is a Writ directed to the Treasurer and Barons of the *Exchequer*, forbidding them to hold Plea, between common persons in that Court, where neither of them belong thereto. *Reg. of Placit. fol. 187. b.*

**Comorth** (*Comortha*) From the British *Commorth*, *Subsidium*) A Contribution or *Subsidium a pluribus collatum. Anno 4 Hen. 4. cap. 27.* And *26 Hen. 3. cap. 6.* Prohibits the Levying any such *Comorth*, or the *Marches, &c.* It seems this *Comorth* was gathered at Marriages, and when young Priests said or sung their first Masses, and sometimes for redemption of Murders or Felonies.

**Companion of the Garter**, Is one of the Knights of that most Noble Order. *Anno 24 Hen. 3. cap. 13.* See **Garter**.

**Compositio Penuriarum**, Is the Title of an ancient Ordinance for Measures, not Printed, and is mentioned in the Statute of *23 Hen. 8. cap. 4.*

**Compromise** (*Compromissum*) Is a mutual promise of two or more parties at difference, to refer the ending of their Controversies to the Arbitrement, and Equity of one or more Arbitrators. *West* defines a *Compromise* or Submission to be the faculty or power of pronouncing Sentence between Persons at Controversie, given to Arbitrators by the Parties mutual private consent, without publick Authority. *Par. 2. Symbol. Tit. Compromise. Sect. 1.*

**Computation** (*Computatio*) Is the true account and construction of time; to the end, that neither party do wrong to the other, nor that the determination of time be so left at large, as to be taken otherways then according to the just Judgment of the Law. As, if Indentures of Demise are engrossed, bearing date 11 May, 1669. To have and to hold the Land in S. for three years from henceforth, and the Indentures are delivered the Fourth day of June following: In this Case, from henceforth shall be accounted from the day of the Delivery, and not from the date; and if the Indenture be delivered at four of the Clock in the Afternoon of the said Fourth day of June, the Lease shall end the Third day of June, in the Third year. For the Law, in this **Computation**, rejects all fractions or divisions of the day, for the incertainty, which always is the Mother of Contention. So where the Statute of Enrolments, made *27 Hen. 8. cap. 16.* is, That Writings shall be enrolled within six Moneths after the date thereof, if such Writings have date, the Six Moneths shall be accounted from the date, and not from the Delivery; but if they want date, then it shall be accounted from the Delivery. *Coke, lib. 5. fol. 1.*

If any Deed be shewed to a Court at *Westminster*, it shall remain in Court (by Judgment of the Law,) all the Term, in which it is shewed, for all the Term in Law, is but as one day. *Coke, lib. 4. fol. 74.* If a Church be void, and the Patron does not present within Six Moneths, then



then the Bishop of the Diocese may collate his Chaplain, but these Six Months shall not be computed according to Twenty eight days in the Month, but according to the Calendar. See *Kalendar-month*.

**Computo** (Lat.) Is a Writ so called of the Effect, which compels a Bailiff, Chamberlain, or Receiver, to yield his account. *Old Nat. Br. fol. 58.* It is founded on the Statute of *Westm. 2. cap. 2.* And it lies also for Executors of Executors. *15 Edw. 3. Stat. de provif. vizual. cap. 5.* Thirdly, Against the Guardian in *Secage* for Waste made in the Minority of the Heir. *Morib. cap. 17.* And see further in what other Cases it lies, *Reg. of Writs, fol. 135. Fitz. Nat. Br. fol. 116.*

**Conabel** (Fr. *Convencable*, i. Convenient or fitting) — *Woe obtain, that there be made a Bache of Conabyl beþthe, crested with wikes of Berne, to foze the entry of your hecþne, that no strange peopille may enter with certain Cleþete, addibed be you, and be your Steward to such persons, as you and them think honest and Conabel.* *Artic. Decani & Capit. S. Pauli Priorat. S. Helcnæ. Dat. 21 Junii, 1439.*

**Concealers** (*Concelatores*) Are such as finde out concealed Lands, that is, such Lands as are privily kept from the King by common persons, having nothing to shew for their Title or Estate therein. *Anno 39 Eliz. cap. 22. and 21 Jac. cap. 2.* They are so called a *Concelando*, as *Mons à Muvendo*, per *Antiphrasin*. See *3 Part. Inst. fol. 188.* Where the Author calls them *Turbidum hominum genus*.

**Concessi** (a word much used in Conveyances) In Law it creates a *Covenant*, as *Dedi* does a *Warranty*. *Coke on Littl. fol. 384.*

**Concord** (*Concordia*, Agreement) Is, by a peculiar signification, defined to be the very Agreement between Parties, who intend the levying a Fine of Lands one to the other, how, and in what manner the Land shall pass. But in the form of it, many things are to be considered. *West, pa. 2. Symb. tit. Fines and Concords, Sect. 30.* whom read at large.

**Concord** is also an Agreement made (upon any Trespass committed) betwixt two or more; and is divided into a *Concord Executory*, and a *Concord Executed*. See *Plowden*, in *Reniger and Fugassa's Case*, fol. 5, 6, & 8. where it appears by some opinion, That the one binds not, as being imperfect; the other absolute, and ties the party: Yet by some other opinion in the same Case, it is affirmed, That Agreements Executory, are perfect, and binde no less than Agreements executed.

**Concubinage** (Fr.) Signifies properly the keeping a Whore for ones own filthy use; but it is used as an exception against her, who sues for Dower, alleging thereby that she was not Wife lawfully married to the party, in whose Lands she seeks to be endowed, but his *Concubine*. *Britton, cap. 107. Brañon, lib. 4. trañ. 6. cap. 8.*

**Conduers** (from the Fr. *Conduire*, i. to conduct) Are such as stand upon high places, near the Sea-coast, at the time of Herring-Fishing, to make signs with Boughs, &c. to the Fishers, which way the shoale of Herrings passeth, which may better appear to such as stand upon some high Cliff on the shore, by a kinde of blew colour they cause in the Water, then to those that are in the Ships. These are otherwise called *Huers*, (of the Fr. *Huyer*, i. *Exclamare*) and *Balkers*, *Directors*, and *Guiders*, as appears by the Statute *1 Jac. cap. 23.*

**Condition** (*Conditio*) Is a Manner, Law, Quality, or Restriction annexed to Mens Acts, qualifying or suspending the same, and making them uncertain, whether they shall take effect, or no. *West, pa. 1. Symb. lib. 2. Sect. 156.* In a Lease there may be two sorts of Conditions; *Condition collateral*, or *Condition annexed to the Rent*. *Coke, lib. 3. Penants Case, fol. 64.* *Collateral Condition*, is that which is annexed to any Collateral Act, as, that the Lessee shall not go to *Paris*. *Ibidem, fol. 65.* *Condition* is also divided into *Condition in Deed* or *Fact*, and *Condition in Law*; which otherwise may be termed *Condition expresse*, and *Condition implied*. *Perkins, tit. Conditions.*

**Condition in Deed**, Is that which is knit and annexed by expresse words to the Feoffment, Lease, or Grant, either in writing, or without writing: As if I enfeof a Man in Lands, reserving a Rent to be paid at such a Feast, upon Condition, if the Feoffee fail of payment at the day, then it shall be lawful for me to re-enter.

**Condition Implied**, which is called a *Condition in Law*, Is when a Man Grants to another the Office of Keeper of a Park, Steward, Bailiff, or the like for Life, though there be no Condition at all expresse in the Grant; yet the Law makes one covertly, which is, if the Grantee does not justly execute all things pertaining to his Office by himself, or his sufficient Deputy, it shall be lawful for the Grantor, to enter and discharge him of his Office. See *Littleton, lib. 3. cap. 5.*

**Cone and Key**. *Brañon, lib. 2. cap. 37. num. 3.* *Femina in tali atate (i. 14 & 15 Annum) potest disponere Domui suæ & habere Cone & Key.* *Cone* in the Saxon, signifies *Calculus*, *computus*; and *Key*, *clavis*. So that a Woman was then held to be of competent years, when she was able to keep the *Accounts* and *Keys* of the House; and *Glanv. lib. 7. cap. 9.* hath somewhat to the same purpose.

**Confederacy** (*Confederatio*) Is when two or more confederate or combine themselves to do any damage to another, or to commit any unlawful act. And though a Writ of Conspiracy does not lie, if the party be not indicted, and in lawful manner acquitted, for so are the words of the Writ; yet false confederacy between divers persons shall be punished, though nothing be put in execution, which appears by the Book of *27 Aff. Placit. 44.* where two were indicted of *Confederacy*, each to maintain other,

other, whether their matter were true or false, and though nothing were supposed to be put in practise, the Parties were enjoy'd to answer, since the thing is forbidden by Law. So in the next *Article*, in the same Book, enquiry shall be made of *Conspirators* and *Confederators*, which binde themselves together, &c. This *Confederacy*, punishable by Law before it be executed, ought to have four incidents. First, It must be declared by some matter of prosecution, as by making of Bonds or Promises the one to the other: 2. *Mahcius*, as for unjust revenge. 3. It ought to be false, against an innocent. Lastly, to be out of Court, voluntary. *Terms de la Ley.*

**Confirmation** (*Confirmatio*) Is a strengthening or confirming an estate to one, who hath the possession, by a voidable Title, though not at present void. As, a Bishop grants his Chancellorship by Patent for term of the Patentees life: This is no void grant, but voidable by the Bishops death, except it be strengthened by the Dean and Chapters Confirmation. See more of this in *West, pa. 1. Symb. lib. 2. Sect. 500.* *Fitz. Nat. Br. fol. 169. b. and Littleton, lib. 3. cap. 9.*

**Confiscate**, From the Lat. *Confiscare*, and that from *Fiscus*, which originally signifies a Hamper, Pannier or Basket; but Metonymically the Emperors Treasure, which was anciently kept in such Hampers; and though our King keeps not His Treasure in such things, yet (as the Romans said) such Goods as were forfeited to the Emperors Treasury for any offence, were *Bona confiscata*, so say we of those that are forfeited to our Kings *Exchequer*. And the title to have these Goods, is given the King by the Law, when they are not claimed by some other. As, if a Man be indicted for feloniously stealing the Goods of another, where in truth they are the proper Goods of him indicted, and they are brought in Court against him; who, being asked what he saith to the said Goods, disclaims them. By this Disclaimer he shall lose the Goods, though he be afterwards acquitted of the Felony, and the King shall have them as *Confiscate*; but otherwise, if he had not disclaimed them. So where Goods are found in the Felons possession, which he disavows, and afterwards is attainted of other Goods, and not of them, there the Goods which he disavows, are *Confiscate* to the King; but had he been attainted of the same Goods, they should have been said forfeited, not *Confiscate*, notwithstanding his disavowment. See more in *Stamf. Pl. Cor. lib. 3. cap. 24.* Note, *Confiscare* & *Forisfacere*, are Synonyms; and *Bona confiscata*, are *Bona forisfacta*. *3 Inst. fol. 227.*

**Confratrie** (Fr.) A Fraternity, Fellowship, or Society; as the *Confratrie de Saint George*, or *de les Chevaliers de la bleu Jartier*. *Selden.*

**Confreres** (Fr. *Confreres*) Brethren in a Religious House; Fellows of one and the same House or Society. *Anno 32 Hen. 8. cap. 24.*

**Congeable** (from the Fr. *Conge*, i. Leave Licence, or Permission) Signifies as much as lawful or lawfully done, or done with leave or permission, as, *The entry of the Dissessor congeable*: *Littleton, sect. 410. and 2 par. Coke, fol. 31.*

**Conge d'Accorde**. (Fr. i. Leave to accord or agree) I finde it in the Statute of *Fines, An. 18 Edw. 1.* in these words — *When the writt original is delivered in presence of the Parties before Justices, a Pleader shall say this, Sir Justice Conge d'Accorde, and the Justice shall say to him, What saith Sir R. and shall name one of the Parties, &c.*

**Conge d'Esire** (Fr. i. Leave to chuse) Signifies the Kings Permission Royal to a Dean and Chapter, in time of Vacation, to chuse a Bishop, or to an Abbey or Priory of his own Foundation, to chuse their Abbot or Prior. *Fitz. Nat. Br. fol. 169, 170.* — *Gwynn*, in the Preface to his *Reading*, says, The King of England, as Sovereign Patron of all Arch-Bishopricks, Bishopricks, and other Ecclesiastical Benefices, had of ancient time free appointment of all Ecclesiastical Dignities, whensoever they chanced to be void, investing them first per baculum & annulum; and afterwards by His Letters Patent, and that in process of time he made the Election over to others, under certain Forms and Conditions; as namely, that they should, at every vacation, before they chuse, demand of the King *Conge d'Esire*, that is, Leave to proceed to Election, and then after the Election, to crave His Royal assent, &c. And he affirms, that King John was the first that granted this, which was afterward confirmed by *Westm. 1. cap. 1.* and again, by *Articuli Cleri, cap. 2.*

**Congius**, An ancient Measure of Six Sexaries; which is about a Gallon, and a Pint. — *Et reddat quinque Congios celia & unum Idromellu, & triginta panes cum pertinentibus pulmentariis.* *Carta Edmundi Regis de Anho 946.*

**Conifance**. See *Cognifance*.

**Conitor** alias **Cognitor** (*Recognitor*) Is used in the passing of Fines for him that acknowledges the Fine; and the *Conitor* is he to whom the Fine is acknowledged. *Anno 32 Hen. 8. cap. 5. West, pa. 1. Symb. lib. 2. Sect. 49. and Part 2. tit. Fines, Sect. 114.*

**Conjuratio** (*Conjuratio*) Signifies a Plot or Confederacy, made by some persons combining themselves together, by oath or promise, to do some publick harm. But it is more especially used for the having personal conference with the devil, or some evil spirit, to know any secret, or to effect any purpose. *Anno 4 Eliz. cap. 16.* The difference between *Conjuratio* and *Witchcraft* seems to be, because the one endeavors by Prayers and Invocation of Gods powerful names, to compel the devil to say or do what he commands him; the other deals rather by friendly and voluntary conference or agreement with the devil or familiar, to

to have her, or his desires served, in lieu of blood, or other gift offered him, especially of his or her Soul. And both these differ from *Enchantments* or *Sorceries*; because those are personal conferences with the Devil, as is said; and these are but Medicines and Ceremonial Forms of words (called commonly *Charms*) without Apparition. *Cowel*.

**Confanguineo**, Is a Writ, which see in the *Reg. of Writs*; de *Adv. Pro avo*, & *Confanguineo*, fol. 226.

**Conferbatoz of the Truce, and safe Conducts** (*Conservator induciarum & salutorum Regis Conductuum*) Was an Officer appointed in every Sea-Port, under the Kings Letters Patent, and had forty pound for his yearly stipend at the least. His charge was to enquire of all offences done against the Kings truce and safe Conducts upon the main Sea, out of the Franchises of the Cinque Ports, as the Admirals of Custom were wont, and such other things as are declared *Anno 2 Hen. 5. cap. 6*. Touching this matter also, see the Statute of *4 Hen. 5. cap. 7*.

**Conferbatoz of the Peace** (*Conservator vel custos Pacis*) Is he that hath an especial charge, by virtue of his Office, to see the Kings Peace kept: Which *Peace*, *Lambert* defines to be, a withholding or abstinence from that injurious force and violence, which boisterous and unruly persons are, in their nature, prone to use towards others, were they not restrained by Laws, and fear of punishment: He farther adds, that before the time of King *Edward the Third*, who first erected Justices of Peace, there were sundry persons, who by the Common Law, had interest in keeping the Peace. Of those, some had that charge, as incident to the Offices they bore, and so included in the same, that they were called by the name of their Office onely; others had it simply as of it self, and were therefore named *Custodes Pacis*, Wardens, or Conservators of the Peace. The former and later sort he again subdivides in his *Eyren*, lib. 1. cap. 3. The Corporation of the great Level of the Fens, does consist of one Governor, Six Bailiffs, Twenty Conservators and Commonalty; as by the Act of Parliament, 15 Car. 2. cap. 17. appears. The Chamberlain of *Chester*, is a Conservator of the Peace in that County, by virtue of his Office. *4 Inst. fol. 212*. And Petty Constables are by the Common Law, Conservators of the Peace, &c. Conservators of the Privileges of the Hospitalers, and Templars, &c. *Westm. 2. cap. 43*. See *4 Inst. fol. 341*.

**Consideration** (*Consideratio*) Is the material cause, the *Quid pro quo* of any Contract, without which no Contract binds. This *Consideration* is either expressed, as if a Man bargain to give Five pounds for a Horse; or implied, as when the Law it self imposes a *Consideration*; as if a Man come into a Common Inn, and there stay some time, taking Meat and Lodging, or either for himself and his Horse, the Law presumes he intends to pay for both, though there be no express Contract be-

twixt him and his Host; and therefore, if he discharge not the House, the Host may stay his Horse. *Fulb. Paral. tract. Contracts*, fol. 6.

**Consistory** (*Consistorium*) Signifies as much as *Prætorium* or *Tribunal*. It is commonly used for a Council-House of Ecclesiastical Persons, or the place of Justice in the Court Christian; a Session or Assembly of Prelates. Every Archbishop and Bishop of every Diocese, hath a Consistory Court held before his Chancellor or Commissary in his Cathedral Church, or other convenient place of his Diocese, for Ecclesiastical Causes. See *4 Inst. fol. 338*. — *Sciatis vos omnes & ceteri mei fideles, qui in Anglia manent, quod Episcopales Leges, quæ non bene secundum Sanctorum Canonum præcepta, usque ad mea tempora, in Regno Anglorum fuerunt, communi Concilio Archiepiscoporum meorum & ceterorum Episcoporum & Abbatum & omnium Principum Regni mei, emendandas judicavi. Propterea mando & Regia Autoritate præcipuo, ut nullus Episcopus vel Archidiaconus de Legibus Episcopalibus amplius in Hundredet placita teneant, nec causam, quæ ad regimen animarum pertinet, ad judicium secularium hominum adducant, &c.* This Law, made by the Conqueror, seems to give the original of the Bishops Consistory, as it fits with us divided from the Hundred or County-Court, wherewith in the Saxon time it was joyned. And, in the same Law of his, is further added, *Hoc etiam defendo, ut nullus laicus homo de Legibus quæ ad Episcopum pertinent, se intromittat, &c.* *Seldens Hist. of Tithes*, pag. 413, 414.

**Consolidation** (*Consolidatio*) Is used for the combining and uniting two Benefices in one. *Brooke, tit. Union*, and *Anno 37 Hen. 8. cap. 21*. This word is taken from the Civil Law, where it signifies properly an uniting of the possession, occupation, or profit, with the property. As, if a Man have by Legacy *Usum-fructum fundi*, and afterwards buy the Property or Fee-simple (as we call it) of the Heir; this is called a Consolidation. See *Union*, and *Unity of Possession*.

**Conspiratores, Are** (according to the Statute) those that do confeder, or bind themselves by Oath, Covenant, or other Alliance, that every of them shall aid, and bear the other, falsly and maliciously to indite, or cause to indite, or falsly to move or maintain Pleas: And also such as cause Children within age, to Appeal Men of Felony, whereby they are imprisoned and foregrieved; and such as retain Men in the Countrey, with Liberties or Fees to maintain their malicious enterprises: And this extendeth as well to the takers, as to the givers. And Stewards and Bailiffs of great Lords, which by their Seigniorie, Office, or Power, undertake to bear or maintain Quarrels, Pleas, or Debates that concern other Parties, then such as touch the estate of their Lords, or themselves. *Anno 33 Edw. 1. Stat. 2. — 2 Part. Inst. fol. 384. and 562.*

Conspiracy

**Conspiracy** (*Conspiratio*) Though both in Latin and French, it be used for an Agreement of Men to do any thing, either good or bad; yet in our Law-Books, it is always taken in the evil part. *Anno 4 Edw. 3. cap. 11. — 3 Hen. 7. cap. 13. — 1 Hen. 5. cap. 3. and 18 Hen. 6. cap. 12.* As also *New Book of Entries, verbo Conspiracy*. In which places, Conspiracy is taken more generally, and confounded with *Maintenance* and *Champerty*; but, in a more special signification, it is used for a Confederacy of two, at the least, falsly to endite one, or to procure one to be endited of Felony. And the punishment of it, upon an Indictment of Felony, at the Kings suit, anciently was, That the party attainted, lose his Frank-Law, to the end, he be not empannel'd upon Juries or Assizes, or such like employments, for testifying the truth; and if he have to do in the Kings Court, that he make his Attorney; and that his Lands, Goods, and Chattels be seised into the Kings hands, his Lands estranged (if he finde no better favor) his Treas rased, and his Body committed to prison. *27 Lib. Assis. 59. Cromptons Just. of Peace, fol. 156. b.* This is called *Villanous Judgment* or Punishment. See *Villanous Judgment*. But if the party grieved, sue upon the Writ of Conspiracy, then see *Fitz. Nat. Br. fol. 114. D. 115. I.* Conspiracy may be also in Cases of less weight; As Conspiracies made by Victualers, touching selling of Victuals, shall be grievously punished. See *37 Hen. 8. 23. and 3 Part. Inst. fol. 143.*

**Conspiratoris**, Is a Writ that lies against Conspirators. *Fitz. Nat. Br. fol. 114. d. Cromptons Just. fol. 209.* See also the Register, fol. 134.

**Constable** (*Constabularius*) Is a Saxon word compounded of *Cuning* or *Cyng*, and *Staple*, which signifie the stay and hold of the King. *Lamb. Duty of Constables, num. 4.* But I have seen it derived from *Comes Stabuli*, which seems more probable; because we had this Officer, and many others from the *Cæsarean Laws*, and Customs of the Empire, as well as from the Saxons.

This word is diversly used, First for the Constable of England, of whose great Dignity and Authority, we may finde many proofs in the Statutes and Chronicles of this Realm. His Function consists in the care of the common Peace of the Land, in Deeds of Arms, and Matters of War. *Lamb. ubi supra*. With whom agrees the Statute of *13 Rich. 2. cap. 2. Stat. 1.* which says, To the Court of the Constable and Marshal, it appertains to have Conuance of Contracts and Deeds of Arms and of War, out of the Realm, and also of things that touch War within; as Combats, Blasony of Arms, &c. But it may not meddle with *Battel* in Appeals, nor generally with any other thing that may be tryed by the Law of the Land. See *Forsester, cap. 32. and 4 Inst. fol. 123.*

Out of this High Magistracy of Constable of England (says *Lambert*) were drawn those Interior Constables, which we call Constables

of Hundreds and Franchises; and first ordained by the Statute of *Winchester, Anno 13 Edw. 1.* which appoints for conservation of the Peace, and view of Armory, two Constables in every Hundred and Franchise, which in Latin are called *Constabularii Capitales*, High Constables; because continuance of time and increase, both of People and Offences, hath, under these, made others in every Town called *Petty-Constables*, in Latin *Sub-Constabularios*, which are of like nature, but of Interior Authority to the other. The making of a *Petty Constable* belongs to the Lords of divers Mannors, *Fure Feudi*. Of these, read *Smith de Rep. Angl. lib. 2. cap. 22.* Besides these there are Officers of particular places, called by this name, as *Constable of the Tower*. *Stamf. Pl. Cor. fol. 152. Anno 1 Hen. 4. cap. 13. Constable of the Exchequer, Anno 51 Hen. 3. Stat. 5. Constable of Dover Castle, Cam. Britan. pag. 239. Fitz Nat. Br. fol. 240.* But these are *Castellani* properly, as *Lambert* Notes, though confounded in name with the other. See the Statute *Anno 32 Hen. 8. cap. 38. — Manwood, par. 1. cap. 13.* mentions a Constable of the *Forest*.

**Constat** (Lat.) Is the name of a kinde of Certificate, which the Clerk of the Pipe, and Auditors of the Exchequer make, at the request of any person, who intends to plead or move in that Court, for discharge of any thing. *Anno 3 & 4 Edw. 6. cap. 4. and 13 Eliz. cap. 6.* The effect of a *Constat* is the certifying what does *constare* upon Record, touching the matter in question, and the Auditors Fee for it, is *13 s. 4 d.*

A *Constat* is held to be Superior to a *Certificate*, because this may erre or fail in its Contents, that cannot; as certifying nothing, but what is evident upon Record. Also, the Exemplification under the Great Seal of the Inrolment of any Letters Patent is called a *Constat*. *Coke on Litt. fol. 225. b.* The difference between a *Constat*, *Inspecimus & Vidimus*, you may read at large in *Pages Case*. *Cokes fifth Report*.

**Conuetudinibus & Serbitiis**, Is a Writ of Right Close, which lies against the Tenant that deforceth his Lord of the Rent or Service due to him. Of this see more in *Old Nat. Br. fol. 77. Fitz. Nat. Br. fol. 151. and Reg. of Writs, fol. 159.*

**Consultation** (*Consultatio*) Is a Writ whereby a Cause, being formerly removed by Prohibition from the Ecclesiastical Court or Court Christian, to the Kings Court is returned thither again. For, if the Judges of the Kings Court, upon comparing the Libel with the suggestion of the party, finde the suggestion false, or not proved; and therefore, the Cause to be wrongfully called from the Court Christian, then upon this Consultation or Deliberation, they Decree it to be returned again; whereupon the Writ in this Case obtained, is called a Consultation. Of this you may read *Reg. of Writs, fol. 44, 45. — Usque 58. Old Nat. Br. fol. 32. Fitz. Nat. Br. fol. 50.* The Statute of

the Writ of Consultation, Anno 24 Edw. 1. and 2 Part. Inst. fol. 105.

**Contentment** (Contentmentum, As — *Salvo contentamento suo*, Mag. Cha. cap. 14.) Signifies his Countenance, Credit, or Reputation, which he hath, together with, and by reason of his Freehold; and in this sense does the Statute of 1 Edw. 3. and Old Nat. Br. use it, where Countenance is used for Contentment: The Armor of a Soldier is his Countenance; the Books of a Scholler, his Countenance, and the like. Coke, 2 Part. Inst. fol. 28. Bracton, lib. 3. Tract. 2. cap. 1. num. 3. And Sir Henry Spelman says, *Contentmentum est estimatio & conditionis forma, qua quis in Repub. subsistit.*

**Contingent Use**, Is a Use limited in a Conveyance of Land, which may, or may not happen to Vest; according to the contingency expressed in the Limitation of such Use. See *Chudleighs Case*, in Cokes 1 Rep.

**Continuance**, Is as *Prorogatio* in the Civil Law. For example, Continuance until the next Assise. Fitz. Nat. Br. fol. 154. F. and 244. D. in both which places it is said, if a Record in the Treasury be alleged by the one party, and denied by the other, a *Certiorari* shall be sued to the Treasurer, and the Chamberlain of the Exchequer, who, if they certify not in the Chancery, That such a Record is there, or that it is likely to be in the Tower, the King shall send to the Justices, repeating the Certificate, and will them to continue the Assise. In this signification, it is likewise used by *Kitchin*, fol. 202. and 199. And Anno 11 Hen. 6. cap. 4. And Continuance of a Writ or Action, is from one Term to another, in case where the Sheriff hath not returned or executed a former Writ, issued out in the said Action.

**Continual Claim**, Is a Claim made from time to time, within every year and day, to Land, or other thing, which in some respect, we cannot attain without danger. As, if I be disseised of Land, into which, though I have a right, I dare not enter for fear of beating, it behoves me to hold on my right of Entry at my best opportunity, by approaching as near it as I can, once every year, as long as I live, and so I save the right of Entry to my Heir. See more in *Littleton*, verbo, *Continual Claim*, and the *New Book of Entries*, *ibidem*. And *Fleta*, lib. 6. cap. 53.

**Continuando**, Is a word used in a special Declaration of Trespasses, when the Plaintiff would recover damages for several Trespasses in the same Action: For, to avoid multiplicity of Sutes, a Man may in one Action of Trespasses, recover damages for forty or more Trespasses, laying the first to be done with a Continuance to the whole time, in which the rest of the Trespasses were done; and is in this Form, *Continuando transgressionem prædictam, &c. 2 prædictis die, &c. Usque* such another day, including the last Trespass.

**Countours**, See *Countours*.

**Contrabanded Goods** (from *contra*, and the Ital. *Bando*, an Edict or Proclamation) Are

those which are prohibited by Act of Parliament, or Proclamation, to be imported into, or exported out of this, or other Nations.

**Contract** (*Contractus*) Is a Covenant or Agreement between two, with a lawful Consideration or Cause. *West*, pa. 1. *Symb. lib. 1. sect. 10.* As if I sell my Horse for Money, or Covenant, in consideration of 20 l. to make you a Lease of a Farm; these are good Contracts, because there is *Quid pro quo*.

**Usurious Contract**, Is a Contract to pay more interest for any Money, than the Laws and Statutes of this Realm allow. It is a *Devastatio* in an Executor, to pay a Debt upon an Usurious Contract. *Noys Reports*, fol. 129.

**Contrafactio** (*Contrafactio*) A Counterfeiting. As *Contrafactio sigilli Regis*.

**Contra formam Collationis**, Was a Writ that lay against an Abbot, or his Successor, for him or his heir, who had given Land to an Abbey for certain good uses, and found a Feoffment made thereof by the Abbot, with assent of the Tenants, to the Disinheriton of the House and Church. This was founded on the Statute of *Westm. 2. cap. 41.* See *Reg. of Writs*, fol. 238. and *Fitz. Nat. Br.* fol. 210.

**Contra formam Feoffamenti**, Is a Writ that lies for the Heir of a Tenant enfeoffed of certain Lands or Tenements, by Charter of Feoffment of a Lord, to make certain Services and Sutes to his Court, and is afterward distrained for more, then is contained in the said Charter. *Reg. of Writs*, fol. 176. *Old Nat. Br.* fol. 162.

**Contributione facienda**, Is a Writ, that lies, where more are bound to one thing, and one is put to the whole burden. *Fitz. (Nat. Br. fol. 162.)* brings these examples, If Tenants in Common or Joynt, hold a Mill *Pro indiviso*, and equally take the profits thereof, the Mill falling to decay, and one or more of them refusing to contribute towards its reparation, the rest shall have this Writ to compel them. And if there be three Coparceners of Land, that owe sute to the Lords Court, and the eldest performs the whole, then may she have this Writ to compel the refuser to a Contribution. *Old Nat. Br.* (fol. 103.) frames this Writ to a Case, where one onely sute is required for Land, and that Land being sold to divers, sute is required of them all, or some of them by Distress, as intirely, as if all were still in one. See *Reg. of Writs*, fol. 176.

**Controller** (Fr. *Contrôleur*) We have divers Officers of this name; as Controller of the Kings House, Anno 6 Hen. 4. cap. 3. Controller of the Navy, 35 Eliz. cap. 4. Controller of the Custom, *Crompt. Jurisd.* fol. 105. Controller of the Calls, 21 Rich. 2. cap. 18. Controller of the Mints, 2 Hen. 6. cap. 12.

**Controller of the Hanaper**, Is an Officer in the Chancery attending the Lord Chancellor daily in the Term time, and upon Seal days. His Office is to take all things sealed from the Clerk of the Hanaper, inclosed in Bags of Leather, and to note the just number and effect of all things

things so received, and enter the same in a Book, with all the duties, appertaining to His Majesty, and other Officers for the same, and so charges the Clerk of the Hanaper with it.

**Controller of the Pipe**, Is an Officer of the Exchequer, who writes out Summons twice every year to the Sheriffs to levy the Farms, and Debts of the Pipe, and keeps a Controlment of the Pipe, and was anciently called *Duplex Ingressator*.

**Controller of the Pell**, Is also an Officer of the Exchequer, of which sort there are two, viz. The two Chamberlains Clerks, that do or should keep a Controlment of the Pell, of receipts and goings out: This Officer was originally one, who took notes of any other Officers accounts or receipts, to the intent to discover him, if he dealt amiss, and was ordained for the Princes better security; for proof whereof, read *Fleta*, lib. 1. cap. 18. And the Stat. 12 Edw. 3. cap. 3.

**Controvoz** (Fr. *Controuvez*) He that of his own head, devises or invents false bruits, or feigned news. 2 Inst. fol. 227.

**Convenable** (Fr.) Agreeable, suitable, convenient or fitting. Anno 27 Edw. 3. Stat. 2. cap. 21. and 2 Hen. 6. cap. 2. See *Covenable*.

**Conventicle** (*Conventiculum*) A little private Assembly or Meeting, for exercise of Religion; first, attributed in disgrace to the Schools of *Wickliff* in this Nation, above 200 years since, and now applied to the Illegal Meetings of the Non-conformists, and is mentioned in the Stat. 1 Hen. 6. cap. 3. and 16 Car. 2. cap. 4.

**Conventio**, Is a word much used both in Ancient and Modern Law-pleadings, for an Agreement or Covenant: For example, take this pleasant Record.

*Ex libro Rotulorum Curie Manerii de Hatfield (juxta Insulam de Axholme) in Com. Ebur.*

*Curia tenta apud Hatfield die Mercurii Prox<sup>o</sup> post Festum—Anno xi<sup>o</sup> Edw. 3<sup>ui</sup>.*

**R**oberus de Roderham qui optulit se versus Johannem de Ithen de eo quod non teneat Conventionem inter eos factam, & unde queritur, quod certo die & anno apud Thorne convenit inter prædictum Robertum & Johannem, quod prædictus Johannes vendidit prædicto Roberto Diabolum ligatum in quodam ligamine pro iii<sup>d</sup>. ob. & super prædictus Robertus tradidit prædicto Johanni quoddam obolum-carles (i. earnest-money) per quod proprietates dii Diaboli commoratur in persona dii Roberti ad habendam deliberationem dii Diaboli, infra quamquam diem prox<sup>o</sup> sequent. Ad quam diem idem Robertus venit ad præfatum Johannem, & petit deliberationem dii Diaboli, secundum Conventionem inter eos factam; idem Johannes prædictum Diabolum deliberare noluit, nec adhuc vult, &c. ad grave dampnum ipsius Roberti

lx<sup>th</sup>. Et inde producit scriptum, &c. & prædictus Johannes venit, &c. Et non dedit Conventionem prædictam. Et quia videtur Curia quod tale placitum non jacet inter Christianos, Ideo partes prædictæ adjournantur usque in infernum, ad audiendum judicium suum, & utraque pars in misericordia, &c.

**Conbentione**, Is a Writ that lies for the breach of any Covenant in writing. *Reg. of Writs*, fol. 185. *Old Nat. Br.* fol. 101. *Fitz. (Nat. Br. fol. 145.)* calls it a *Writ of Covenant*, who divides Covenants into personal and real, making a discourse of both, as also how this Writ lies for both.

**Conbentuals**, Are those Religious Men, who are united together in a Convent or Religious House. See *Frier Observant*.

**Conbentual Church**. See *Parish*.

**Conbict** (*Convictus*) Is he that is found guilty of an Offence by Verdict of a Jury. *Stamf. Pl. Cor.* fol. 186. yet *Crompton*, out of Judge *Dyers Commentaries*, 275, saith, That *Conviction* is, either when a Man is outlawed, or appears, and confesseth, or else is found guilty by the Inquest. *Crompt. Jurisd. of Peace*, fol. 9. *Conviction* and *Attainder* are often confounded. See *Attainder* and *Attained*.

**Convict Recusant**, Is one that hath been legally presented, indicted and convicted for refusing to come to Church to hear the Common Prayer, according to the Statutes. 1 *Eliz. 2.* — 23 *Eliz. 1.* and 3 *Jac. 4.* And these are commonly understood to be *Popish Recusants*; though any others, that refuse to come to Church for the purpose aforesaid, may as properly be called *Recusants*. See *Jury*.

**Convocation** (*Convocatio*) Is the Assembly of all the Clergy to consult of Ecclesiastical Matters in time of Parliament: And as there are Two Houses of Parliament; so are there Two Houses of Convocation; the one called the *Higher Convocation House*, where the Archbishops and Bishops sit severally by themselves, the other the *Lower Convocation House*, where all the rest of the Clergy sit. Anno 25 Hen. 8. cap. 19. See *Prolocutor*.

**Convivance**. See *Cognisance*.

**Convulsant** (Fr. *Cognosant*) Knowing, understanding, apprehending. — *If the son be Convulsant, and agrees to the bequestment, &c.* Coke on Littl. fol. 159. b.

**Convulz**. See *Cognizor*.

**Coopertura**, A Thicket or Covert of Wood. *Carta de Foresta*, cap. 12.

**Coparceners** (*Participes*) Otherwise called *Parceners*, are such as have equal portion in the inheritance of their Ancestors. *Littleton* (lib. 2.) says, *Parceners* are either by Law, or by Custom; *Parceners by Law*, are the issue Female, which (in default of Heir-male) come in equality to the Lands of their Ancestors. *Bracton*, lib. 2. cap. 30. *Parceners by Custom* are those, who by custom of the Country, challenge equal part in such Lands, as in *Kent*, by *Waveland*. Of these you may read more at large in *Littl.*

*Littl. lib. 3. cap. 1. & 2. and Britton, cap. 27.* The Crown of England is not subject to Copytenure. *Anno 25 Hen. 8. cap. 22.*

**Cope,** Is a Custom or Tribute due to the King, or Lord of the Soil, out of the Lead-Mines in the Wapentake of *Wirksworth* in *Com. Derby*; of which, thus Mr. Manlove in his *Treatise of those Liberties and Customs*, Printed 1653.

—Egrest and Regrest to the Kings High-way, The Miners have; and **Lot** and **Cope** they pay. The Thirteenth Dish of Oar within their Mine. To the Lord for **Lot**, they pay at Measuring time. Six pence a Load for **Cope** the Lord demands, And that is paid to the **Bergmasters** hands, &c.

**Copia libelli deliberanda,** Is a Writ that lies in Case, where a Man cannot get the Copy of a Libel at the hands of the Judge Ecclesiastical. *Reg. of Writs. fol. 51.*

**Copihold** (*Tenura per Copiam Rotuli Curie*) Is a Tenure for which the Tenant hath nothing to shew, but the Copy of the Rolls made by the Steward of his Lords Court. For, as the Steward enrols and makes Remembrances of all other things done in the Lords Court; so he does also of such Tenants as are admitted in the Court, to any parcel of Land or Tenement belonging to the Mannor, and the Transcript of this, is called the *Court-Roll*, the Copy whereof the Tenant keeps, as his onely evidence. *Coke, lib. 4. fol. 25. b.* This is called a *Base Tenure*, because it holds at the Will of the Lord. *Kitchin, fol. 80. cap. Copiholds. Fitzb. (Nat. Br. fol. 12.)* says, It was wont to be called *Tenure in Villenage*, and that *Copihold* is but a new name; and yet it is not simply at the Will of the Lord, but according to the Custom of the Mannor. So that if a *Copiholder* break not the Custom of the Mannor, and thereby forfeit his Tenure, he seems not so much to stand at the Lords curtesie for his right, that he may be displaced at his pleasures. These Customs are infinite, varying in one point, or other, almost in every several Mannor.

*Copiholders* do upon their Admittances, pay a Fine to the Lord of the Mannor, of whom the Lands are holden, which Fines are in some Mannors certain, in others incertain: Those which are incertain, the Lord rates at what Fine he pleaseth; but if it exceeds two years value, the Courts of *Chancery*, *Kings Bench*, *Common Pleas*, or *Exchequer*, have in their several Jurisdictions, power to reduce the Fine unto two years value.

*Copiholds*, are a kinde of Inheritance, and called in many places *Customary*; because the Tenant dying, and the hold being void, the next of the Blood, paying the Customary Fine, as Two shillings for an Acre, or such like, may not be denied his admission. Secondly, some *Copiholders* have by Custom, the Wood growing upon their own Land, which by Law they could not have. Thirdly, Others hold by the

Verge in ancient Demesns, and though they hold by Copy, yet are they in account a kinde of Freeholder; for if such a one commit Felony, the King hath *Annum, diem & vastum*, as in case of Freehold; some others hold by Common Tenure, called *Meer Copihold*, whose Land, upon Felony committed, Escheats to the Lord of the Mannor. *Kitchin, fol. 31. Cha. Tenants per Verge in ancient Demesns.* This is the Land, which (in the Saxons time) was called *Folkland*. *West, (Par. 1. Symbol. lib. 2. sect. 646.)* says, A *Copiholder* is he who is admitted Tenant of any Lands, or Tenements within a Mannor, which, time out of minde, by the use and custom thereof, have been Demisable to such as will take the same, by Copy of Court-Roll, according to the custom of the said Mannor, &c. Where you may read more on this subject, see *Freebench*.

**Cozam non judice,** —In a Cause whereof they (the Judges) have not any Jurisdiction, and then it is *Cozam non judice*. 2 *Part. Croke, fol. 351. Powells Case.*

**Cozaage** (*Coraaagium*) Is a kinde of Imposition extraordinary, growing upon some unusual occasion, and it seems to be of certain Measures of Corn. For *Corus tritici*, is a Measure of Corn. *Bracton, lib. 2. cap. 116. num. 6.* Who in the same Chapter, num. 8. hath these words. —*Sunt etiam quadam communes praestationes, quae servitia non dicuntur, nec de consuetudine veniunt, nisi cum necessitas intervenit, vel cum Rex venerit; sicut sunt Hidagia, Coraagia, & Carvagia, & alia plura de necessitate & ex consensu communi totius Regni introducta, &c.*

**Cozd of Wood,** Ought to be eight foot long, four foot broad, and four foot high, by Statute.

**Cozdage** (Fr.) Is a general application for Stut to make Ropes, and for all kinde of Ropes belonging to the Rigging of a Ship. Mentioned 15 *Car. 2. cap. 13. Seaman's Dictionary.*

**Cozdiner** (vulgarly *Cordwaner*) From the Fr. *Coudovannier*, a Shoo-maker, and is so used in divers Statutes, as 3 *Hen. 8. cap. 10.* —5 *Ejusdem, cap. 7.* and others.

**Cornage** (*Cornagium* from *Cornu*, a Horn) Was a kinde of Grand Serjeanty; the service of which Tenure, was to blow a Horn when any Invasion of the Scots was perceived. And by this many Men held their Land Northward, about the *Pitt-wall*. *Cand. Britan. pag. 609.* and *Littleton, fol. 35.* But by Stat. 12 *Car. 2. cap. 24.* All Tenures are turned into free and common Socage.

Sir Edward Coke (on *Littl. fol. 107.*) says, *Cornage* is also called in old Books *Horngeld*, but *quære*, for they seem to differ much. See *Horngeld*, and 2 *Inst. fol. 9.*

**Corner-Tile.** See *Gutter-Tile*.

**Cozodp** or **Cozodrope** (*Corrodium*, from *Corrodo*) Signifies a sum of Money or allowance of Meat, Drink, and Cloathing, due to the King from an Abbey, or other House of Religion,

Religion, whereof he is Founder, towards the reasonable sustentance of such a one of his servants, or vadelets, as he thinks good to bestow it on: The difference between a *Corody* and a *Pension*, seems to be, That a *Corody* is allowed towards the maintenance of any of the Kings servants in an Abbey; a *Pension* is given to one of the Kings Chaplains for his better maintenance, till he may be provided of a Benefice. Of both these, read *Fitzb. Nat. Br. fol. 250.* who sets down all the *Corodies* and *Pensions* certain, that any Abbey, when they stood, was bound to perform to the King.

*Corody* seems to be ancient in our Law; for in *Westm. 2. cap. 25.* it is ordained, that an Assise shall lie for a *Corody*. It is also apparent by the Stat. 34 & 35 *Hen. 8. cap. 26.* That *Corodies* belonged sometimes to Bishops and Noblemen from Monasteries. Tenure in Frankalmoin was a discharge of all *Corodies* in it self. Stat. 1 *Edw. 3. cap. 10.* See 2 *Part. Inst. fol. 630.*

**Sciart** —quod nos Radulphus Abbas Monasterii S. Johannis de Haghmon & ejusdem loci Curventus, ad instantiam & speciale rogatum excellentissimi & reverendissimi Domini nostri Thomae Comitis Arundelliae & Surreiae, Deimus —Roberto Lee unum Corrodium pro termino vitae suae, essendo cum Abbate Monasterii praedicti Armigerum, cum uno Garcone & duobus equis; capiendū ibidem esculenta & poculenta sufficientia pro seipso, sicut Armigeri Abbatii, qui pro tempore fuerint, capiunt & percipiunt; & pro Garcone suo, sicut Garcones Abbatii & Armigerorum suorum capiunt & percipiunt; capiendū etiam pro equis suis sanum & praebandam —Et quod idem Robertus habeat vestram Armigerorum, &c. *Dat. 3 Hen. 5: Mon. Angl. 2 par. fol. 933. a.*

**Cozodio Habendo,** Is a Writ, whereby to exact a *Corody* of an Abbey, or Religious House. See *Reg. of Writs, fol. 264.*

**Cozonatoze Eligendo,** Is a Writ, which, after the death or discharge of any Coroner, is directed to the Sheriff out of the *Chancery*, to call together the Freeholders of the County, for the choice of a new Coroner, to certify into *Chancery*, both the election, and the name of the party elected, and to give him his Oath. See *Westm. 1. cap. 10. Fitzb. Nat. Br. fol. 162.* and *Reg. of Writs, fol. 177.*

**Cozonet** (*Coronator* or *Corona*) Is an ancient Officer of this Land (for mention is made of his Office in King *Aethelstans* Charter to *Beverley, Anno 925.*) and is so called, because he deals wholly for the King and Crown. There are four of them commonly in every County, in some fewer, and in some Counties but one; they are chosen by the Freeholders of the same by the Kings Writ, and not made by Letters Patent. *Crompt. Jurisd. fol. 126.* This Officer, by the Statute of *Westm. 1. cap. 10.* ought to be a sufficient person, that is, the most wise and discreet Knight, that best would, and might attend upon such an Office, yea, there is a

Writ in the Register, *Nisi sit Miles, fol. 177. b.* whereby it appears. it was sufficient cause to remove a Coroner chosen, if he were not a Knight, and had not a hundred shillings Rent of Freehold. The Lord Chief Justice of the *Kings Bench* is the Sovereign Coroner of the whole Realm in person, & wherefoever he abodes, *Lib. Assisarum, fol. 49. Coke, lib. 4. Cafe of Wardens, &c. of the Saddlers, fol. 57. b.* His Office especially concerns the Pleas of the Crown: But what anciently belonged to him, read at large in *Bracton, lib. 3. tract. 2. cap. 52, 7 & 8. Britton. cap. 1. Fleta, lib. 1. cap. 18.* and *Horns Mirror, lib. 1. cap. del Office del Coroners.* But more aptly for the present times. *Stamps Pl. Cor. lib. 1. cap. 51.*

There are also certain special Coroners within divers Liberties, as well as these ordinary Officers in every County; as the Coroner of the *Verge*, which is a certain compass about the Kings Court, whom *Crompt.* in his *Jurisd. fol. 102.* calls the *Coroner of the Kings House*; of whose Authority, see *Cokes Rep. lib. 4. fol. 46.* By certain Charters belonging to some Colleges and Corporations, they are licensed to appoint their Coroner within their own precincts. Of this Office, see also 4 *Inst. fol. 271.* *Smith de Rep. Angl. lib. 2. cap. 21.* And *Lamb. Eiren. lib. 4. cap. 3. pag. 380.* And of the Coroners Office in Scotland, read *Skene, verbo, Iter.*

**Cozpozal Oath.** See *Oath.*

**Cozpozation** (*Corporatio*) A Body Politick, or a Body Incorporate; so called, because the persons are made into a Body, and of capacity to take, and grant, &c. And this Body Politick or Incorporate, may commence, and be established three manner of ways, viz. By *Prescription*, by *Letters Patent*, or by *Act of Parliament*. Every Body Politick or Corporate, is either Ecclesiastical, or Lay: Ecclesiastical, either Regular, as Abbots, Priors, &c. or Secular, as Bishops, Deans, Arch-Deacons, Parsons, Vicars, &c. Lay, as Major, Commonalty, Bailiffs, and Burgesses, &c. Also every Body Politick or Corporate, is either Elective, Presentative, Collative, or Donative. And again, it is either sole or aggregate of many, which last is by the *Civilians* called *Collegium* or *Universitas*. *Coke on Littl. fol. 250.* and 3 *Inst. fol. 202.*

**Cozpus Christi day,** (being always on the next Thursday after *Trinity Sunday*) Is a Feast instituted by the Church, in honor of the Blessed Sacrament: To which also, a College in *Oxford* is dedicated. It is mentioned in 32 *Hen. 8. cap. 21.* By which Statute, *Trinity Term* is appointed for ever to begin the Friday next after this Feast.

**Cozpus cum Causa,** Is a Writ, issuing out of the *Chancery*, to remove both the Body and Record, touching the Cause of any Man lying in Execution, upon a Judgment for Debt, into the *Kings Bench*, &c. There to lie till he have satisfied the Judgment. *Fitz. Nat. Br. fol. 251. E.*



**Corrector of the Staple**, Is an Officer or Clerk belonging to the Staple, who Writes and Records the Bargains of Merchants there made. *Anno 27 Edw. 3. Stat. 2. cap. 22. & 23.* The Romans called them *Mersarii*.

**Corrody**. See *Corody*.

**Corruption of Blood** (*Corruptio Sanguinis*) Is an Infection growing to the State of a Man (attainted of Felony or Treason) and to his Issue: For, as he loatheth all to the Prince, or other Lord of the Fee, as his case is; so his issue cannot be heirs to him, or to any other Ancestor by him. And, if he were Noble, or a Gentleman before, he and his children are thereby ignobled and ungentiled. But, if the King pardon the offender, it will cleanse the corruption of Blood in those Children, which are born after the Pardon, and they may inherit the Land of their Ancestor, purchased at the time of the pardon, or afterward; but so cannot they, who were born before the pardon. Yet note, there are divers offences made Treason by Act of Parliament, whereof, though a Man be Attainted, yet his Blood, by Provisions therein, is not corrupt, nor shall he forfeit any thing, but what he hath for his own life; for which, see the several Statutes of 5 Eliz. cap. 1, 11 & 14. — 18 Eliz. cap. 1. — 31 Eliz. cap. 4. and 1 Jac. cap. 12.

**Corselet** (Fr.) Signifies a little Body, in Latin *Corpusculum*. It is used with us for an Armor to cover the whole Body, or Trunk of a Man (*Anno 4 & 5 Phil. & Ma. cap. 2.*) where-with the Pikemen, commonly placed in the Front and Flanks of the Battle, are armed, for better resistance of the enemies assaults, and surer guard of the Gunners, placed behind, or within them. See *Barrett's Discourse of War. Lib. 3. Dial. 2.*

**Cofenage** (Fr. *Cousinage*, i. Kinred, Cousinship) Is a Writ that lies, where the *Tresail* (that is, *Tritavum*, the Father of the *Besail*, or Great Grand-lather) being seized in Fee, at his death of certain Lands or Tenements, and dies; a stranger enters and abates, then shall his heir have this Writ of *Cofenage*. The form whereof, see in *Fitz. Nat. Br. fol. 221.* Of this also read *Britton* at large, cap. 89.

**Cofenings**, Is an offence, whereby any thing is done deceitfully in or out of Contracts, which cannot be fitly termed by any especial name. *West, pa. 2. Symb. ut. Indulgentis, Sect. 68.* It is called *Stellionatus* in the Civil Law.

**Coffepresent** (from the Fr. *Corps presenté*, i. the Body presented) Signifies a *Mortuary*, *Anno 21 Hen. 8. cap. 6.* And the reason why it was thus termed, seems to be, That where a *Mortuary*, after any Mans Death, became due, the Body of the best or second Beast, was, according to the Custom, offered or presented to the Priest, and carried along with the *Corps*.

*In nomine Patris & Filii & Spiritus sancti. Ego Blaius de Brompton Sen. Anno Domini MCLXII. in vigilia Apostolorum Simonis & Jude condico Testamentum meum. Volo corpus meum se-*

*peliri in Prioratu Majoris Malverniam inter Praedecessores meos, & cum corpore meo Palefridum meum, cum heredes & Equum summarium, cum lecto meo, &c. In codice M. S. penes Gul. Dugdale, Arm.*

**Cot**, Is a kinde of Refuse Wool; so clung or clotted together, that it cannot be pulled a funder. *Anno 13 Rich. 2. Stat. 1. cap. 9.* where it is provided, *That neither Denizen, nor Forreiner, make any other refuse of Wools, but Cot, Gare, and Villein.* Cot or Cote, signifies also as much as *Cottage* in many places, and was so used by the Saxons, according to *Versegan*.

**Cotland** alias **Cotterthland**. Lib. Ramef. Sect. 265. — *Dedit praedictus Abbas praedicto Hugoni pro tota terra que tunc temporis a S. Benedicte idem Hugo tenebat, unam Cotterthlandam cum libero servitio in villa que dicitur Slepe & unum Maignagium in foro ejusdem villa.* Cotterthlandam hic intelligo Cota sedem & praedicti quidpiam ad eandem pertinens. *Spelman. De una Cotthlanda terre in Wathford. Pat. 9 Edw. 2. par. 2. m. 2.*

**Cotage** (*Cotagium* & *Chota*, from the Sax. *Cote*) Is a House without Land belonging to it. *Anno 4 Edw. 1. Stat. 1.* And the Inhabitants of such *Cotages*, are called *Cotagers*. But by a later Statute of 31 Eliz. cap. 7. No Man may build a House, but he must lay four Acres of Land to it; so that a *Cotage* is properly any little House newly built, that hath not four Acres of Land belonging to it. — *Dedit Chotam, & quendam campum junctum huic Chotæ. Mon. Angl. 1 par. fol. 201. b.*

**Cottarius**, A *Cotager*.

**Coucher**, Signifies a Factor, that continues in some place or Countrey for Traffick; as formerly in *Gascoign*, for buying Wines. *Anno 37 Edw. 3. cap. 16.* It is also used for the General Book, in which, any Religious House or Corporation Register their particular Acts. *Anno 3 & 4 Edw. 6. cap. 10.*

**Covenable** (Fr. *Convenable*) Fit, convenient, or suitable. — *That every of the same three sorts of Fish, be good and covenable, as in old time hath been used.* 31 Edw. 3. Stat. 3. cap. 2. *Plowden, fol. 472. a.*

**Covenant** (*Conventio*) Is the Consent or Agreement of two or more in one thing, to do or perform somewhat. *West, par. 2. Symb. lib. 1. Sect. 4.* It seems to be as much as *Pactum* or *Conventum*, with the *Civilians*. *Covenant* is either in Law, or in Fact. *Coke, lib. 4. Nokes Case, fol. 80.* Or *Covenant Express*, and *Covenant in Law*. *Idem, lib. 6. fol. 17.* *Covenant in Law*, is that which the Law intends to be made, though it be not expressed in words: As if the Lessor demise and grant B. Acre to the Lessee for a certain term, the Law intends a *Covenant* on the Lessors part, that the Lessee shall, during the term, quietly enjoy his Lease against all lawful incumbrance. *Covenant in Fact*, is that which is expressly agreed between the parties. There is also a *Covenant merely per-*

*sonal*,

*sonal*, and a *Covenant real*. *Fitz. Nat. Br. fol. 145.* who seems to say, a *Covenant real* is that, whereby a Man ties himself to pass a thing real, as Land or Tenements; or to levy a Fine of Land, &c. *Covenant merely personal* is, where a Man Covenants with another by Deed, to build him a House, or any other thing, or to serve him, &c. See *Conventio*.

*Covenant* is also the name of a Writ, for which see *Conventio*, and *New Book of Entries, verbo Covenant*.

**Overint omnes presentes scriptum Cyrographatum visur. vel auditur. quod xviii die April. Temporis gratie MCCLX, ita convenit inter nos Hugonem de Okelsthorp & Adam filium Ade de Thowes, generum ejusdem Hugonis, sc. quod ego Adam non dabo, impignurabo, vendam, nec alienabo aliquam partem tenementi mei de quo fui vestitus & saisitus praedicto die, nec tenementi mihi contingenti nomine hereditatis, sine voluntate & assensu praedicti Hugonis vel heredum suorum, Et quod amabiliter tractabo uxorem meam, filiam praedicti Hugonis; Et nisi fecero, ibo per septem dies sabati nudus per medium forum de Harcwoode quando plenius fuerit secundum ordinationem dicti Hugonis. Omnia autem praescripta fideliter & sine fraude observanda pro me & heredibus meis, tactis sacrosanctis, juravi & affidavi; Et no ipsud alicui hominum vertatur in dubium, nos praedicti Hugo & Adam sigilla nostra partium huiusmodi scriptis apposuimus. Huius testibus, Stephano Sperry, tunc Cyrographar. Civitatis Ebor. Daniele de Tottie Clerico, Ricardo de Waleys de Acculum, Ade de Northfolch, Thomâ Edwyn Alutario de Ebor. & aliis. Ex M. S. penes Gul. Dugdale, Ar.**

**Cobenant** (*Fœdus*) The late Solemn League and Covenant, first hatch'd in Scotland, was a Seditious Conspiracy, too well known to need any Explication; it was Voted Illegal and Irreligious by Parliament in May, 1661. and provision is made against it by the Statute 14 Car. 2. cap. 4. Where it is declared to have been imposed on the Subjects of this Realm, against the known Laws and Liberties of the same.

**Cobent or Conbent** (*Conventus*) Signifies the Society or Fraternity of an Abby or Priory; as *Societas* does the number of Fellows in a College. *Bracton, lib. 2. cap. 35.*

**Coberture** (Fr.) Any thing that covers, as Apparel, a Coverlet; but it is particularly applied to the state and condition of a married Woman, who by our Law is *Sub potestate viri*, and therefore disabled to contract with any, to the prejudice of her self or husband, without his consent and privity, or, at least, without his allowance and confirmation. *Broke, hoc titulo. Omnia que sunt uxoris, sunt ipsius viri. Vir est caput mulieris. Sine viro respondere non potest.* *Bracton, lib. 2. cap. 15. & lib. 4. cap. 24.* And if the husband alien the wifes Land, during the *Coberture*, she cannot gainsay it, during his life. See *Cui ante divorcium*, and *Cui in vita*.

**Cobine** (*Covina*) Is a deceitful Compact or Agreement between two or more, to prejudice a third person. As if Tenant for Life conspires with another; that this other shall recover the Land which the Tenant holds, in prejudice of him in Reversion. *Plow. Com. fol. 546.*

**Count** (Fr. *Conte*) Signifies the original Declaration in a Real Action; as *Declaration* is, in a personal. *Fitz. Nat. Br. fol. 26.* *Libellus* with the *Civilians* comprehends both. Yet *Count* and *Declaration* are sometimes confounded, as *Count in Debt. Kitchen, fol. 281.* *Count* or Declaration in Appeal. *Pl. Cor. fol. 78.* *Count in Trespass. Britton, cap. 26.* See *Declaration*.

**Countee** (Fr. *Comte*. A *Comitando*, because they accompany the King) Was, next to the Duke, the most eminent Dignity of a Subject, before, as well as since, the Conquest; and those, who in ancient time, were created *Countees*, were Men of great Estate and Dignity: For which cause, the Law gives them great privileges; as, their persons may not be arrested for Debt, Trespass, &c. (because the Law intends, that they assist the King with their Council for the Publick Good, and preserve the Realm by their Prowess and Valor;) they may not be put upon Juries. If issue be taken, whether the Plaintiff or Defendant be a *Countee*, or not, This shall not be tried by the Countrey, but by the Kings Writ. Also the Defendant shall not have a day of Grace against a Lord of the Parliament, because it is intended he attends the Publick. And of old the *Countee* was *Præfectus*, or *Præpositus Comitatus*, and had the charge and custody of the County, whose Authority the Sheriff now hath. *Coke, lib. 9. fol. 49.* And is therefore called *Viscount*. See *Earl*.

**Countenance**, Seems to be used for credit or estimation. *Old Nat. Br. fol. 111.* And likewise *Anno 1 Edw. 3. Stat. 2. cap. 4.* in these words, *Sheriffs shall charge the Kings debtors with as much as they may levy with their Writs, without abating the debtors Countenance.* See *Contentement*.

**Counter** (from the Lat. *Computare*) Is the name of two Prisons in London, the *Poultry Counter*, and *Woodstreet Counter*; whereinto if any enter, he is like to *account* ere he get thence.

**Counter-mand**, Is where a thing formerly executed, is afterward, by some Act or Ceremony, made void, by the party that first did it. As, if a Man makes his last Will, and devises his Land to I. S. and afterward enfeoffs another of the same Land, here this Feoffment is a *Countermand* to the Will, and the Will void, as to the disposition of the Land.

**Counter-plea**, Signifies a Replication to *Aide Prier*; For, when Tenant by curtesie in Dower, or other Real Action, prays the View or Aid of the King, or him in the Reversion, for his better defence; or else, if a stranger to the Action begun, desires to be received, to say what he can for the safeguard of his Estate, that



that which the Demandant allegeth against this request, why it should not be admitted, is called a *Counter-plee*. In which sense it is used, 25 *Edw. 3. Stat. 3. cap. 7.*

**Counter-rols.** — *That Sheriffs shall have Counter-rols with the Coroners, as well of Appeals, as of Enquests, &c.* Anno 3 *Edw. 1. cap. 10.*

**Countours** (Fr. *Contours*) Have been taken for such Serjeants at Law, as a Man retains to defend his cause, or speak for him in any Court for their Fee. *Horns Mirror, lib. 2. cap. des Loyers.* And of whom thus *Chaucer,*

— *A Sheriff had be ben, and a Contour,  
Was no where such a worthy Wabafour.*

They were anciently called *Serjeant-Countours.* *Coke on Littl. fol. 17. a.*

**County** (*Comitatus*) Signifies the same with *Shire*; the one coming from the French, the other from the Saxons, both containing a circuit or portion of the Realm, into which the whole Land is divided, for the better Government of it, and more easie Administration of Justice: So that there is no part of this Nation that lies not within some County, and every County is governed by a yearly Officer, whom we call a *Sheriff.* *Fortescu, cap. 24.* Of these Counties, there are four of special mark, which therefore are termed *Counties Palatines.* As *Launcester, Chester, Durham, and Ely.* Anno 5 *Eliz. cap. 23.* we may read also of the *County Palatine of Pembroke,* and of *Hexam,* Anno 33 *Hen. 8. cap. 10.* (which last did belong to the Archbishop of York.) — *This Act, nor any thing therein contained, shall not extend to the County Palatine of Hexam, within the County of Northumberland, ne to the County Palatine of Ely, within the County of Cambridge, &c.* But by the Stat. 14 *Eliz. cap. 15.* this County Palatine of Hexham was stript of its Privilege, and reduced to be a part of the County of Northumberland. The chief Governors of these Counties *Palatines,* by special Charter from the King, did heretofore send out all Writs in their own names, and did all things touching Justice, as absolutely as the Prince himself in other Counties, onely acknowledging him their Superior and Sovereign. But by the Statute 27 *Hen. 8. cap. 24.* This power is much abridged, to which I refer the Reader; as also to *Crompt. Jurisd. fol. 137.* and 4 *Instit. fol. 204, & 221.*

Besides these Counties of both sorts, there are likewise unto some Cities, some Territory, or Lands, or Jurisdiction annexed, as the County of *Middlesex,* by King Henry the First, to the City of London. The County of the City of York, Anno 32 *Hen. 8. cap. 13.* *Chester,* Anno 43 *Eliz. cap. 15.* *Canterbury, Lamb. Eiren. lib. 1. cap. 9.* *Norwich, Worcester, Coventry, Exeter, &c.* The County of the Town of *Kings-fon upon Hull,* 32 *Hen. 8. cap. 13.* *Newcastle upon Tyne, &c.* The County of the Town of *Haverford West,* 35 *Hen. 8. cap. 16.*

County is, in another signification, used for the *County Court,* which the Sheriff keeps every Moneth, either by himself or his Deputy. Anno 2 *Edw. 6. cap. 25.* *Crompt. Jur. fol. 221.* *Bracton, lib. 3. cap. 7. and lib. 3. tract. 2. cap. 12.*

The word *Comitatus,* is also used for a Jurisdiction or Territory, among the *Feudists.*

**County Court** (*Curia Comitatus*) Is by Lambert otherwise called *Conventus,* and divided into two sorts; one retaining the general name, as, the *County Court* held every Moneth by the Sheriff, or his Deputy the Under-Sheriff. The other called the *Turn,* held twice every year; of both which, you may read in *Crompt. Jurisd. fol. 231.* This *County Court* had, in ancient times, the cognition of great matters, as may appear by *Glanville, lib. 1. cap. 2, 3, 4.* by *Bracton,* and *Britton* in divers places, and by *Fleta, lib. 2. cap. 62.* but was abridged by *Magna Charta, cap. 17.* and much by 1 *Edw. 4. cap. unico.* It had also, and hath the Determination of certain Trespasses and Debts under Forty shillings. *Britton, cap. 27. & 28.*

**Counting-House of the Kings Household** (*Domus Computus Hospitii Regii*) Commonly called the *Green-Cloth,* in respect of the Green-cloth on the Table; where sit the Lord Steward, the Treasurer of the Kings House, the Comptroller, Master of the Household, Cofferer, and two Clerks Comptrollers; for daily taking the Accompts of all Expences of the Household, making provisions, and ordering payment for the same; for the good Government of the Kings Household Servants, and for paying the Wages of those below Stairs. *Vide 39 Eliz. cap. 7. and 4 Instit. fol. 131.*

**Courratier** (Fr.) A Horse-courser. 2 *Instit. fol. 719.*

**Courstour.** See *Cursiter.*

**Court** (*Curia*) Signifies the Kings Palace, or Mansion; and more especially the place where Justice is judicially administered, of which, you may finde Thirty two several sorts in *Cromptons Jurisdiccions* well described; whereof most are Courts of Record, some not, and therefore are accounted Base Courts, in comparison of the rest. Besides these, there are also *Courts Christian.* *Smith de Rep. Angl. lib. 3. cap. 6.* which are so called, because they handle matters especially appertaining to *Christianity,* and such as, without good knowledge in Divinity, cannot be well judged of, being held heretofore by Archbishops and Bishops, as from the Pope, because he challenged the superiority in all Causes Spiritual, but since his ejection, they hold them by the Kings Authority, *Virtute Magistratus sui,* as the Admiral of England doth his Court: Whereupon they send out their Precepts, in their own names, and not in the Kings, as the Justices of the Kings Courts do. And therefore, as the Appeal from these Courts did lie to Rome, now by the Stat. 25 *Hen. 8. cap. 19.* it lies to the King in his *Chancery.*

**Court**

**Court Baron** (*Curia Baronis*) Is a Court, which every Lord of a Mannor (who in ancient times were called *Barons*) hath within his own Precincts. *Barons* in other Nations, have great Territories and Jurisdiction from their Sovereigns. But here in England, what they are, and have been heretofore, see in *Baron.* Of this Court, and *Court Leet,* read *Kitchin.* Sir Edward Coke, lib. 4. among his Copihold Cases, fol. 26. b. says, That this Court is twofold after a sort; and therefore, if a Man, having a Mannor, grant the Inheritance of the Copiholders to another, the Grantee may keep a Court for the Customary Tenants, and accept Surrenders to the use of others, and make both Admittances and Grants; the other Court is of Freeholders, which is properly called the *Court Baron,* wherein the suitors, that is, the Freeholders are Judges; whereas of the other, the Lord or his Steward, is Judge.

**Court of Py-powders.** See *Py-Powders.*

**Court of Requests** (*Curia Requisitionum*) Was a Court of Equity, of the same nature with the *Chancery,* but inferior to it; principally instituted for the relief of such Petitioners, as in conscionable Cases, addressed themselves by Supplication to His Majesty. Of this Court, the Lord Privy Seal was chief Judge, assisted by the Masters of Requests, and had beginning about 9 *Hen. 7.* according to Sir Julius Casars Tractate on this subject. *Mich. 40 & 41 Eliz.* in the Court of Common Pleas, it was adjudged upon solemn Argument, That this Court of Requests, or the *Whitehall,* was no Court that had power of Judicature, &c. See 4 *Part. Inst. fol. 97.*

**Court of the Legat,** Was a Court obtained by Cardinal Woolsey, of Pope Leo the Tenth, in the Ninth year of Henry the Eighth, wherein he had power to prove Wills, and dispence with Offences against the Spiritual Laws, &c. And was but of short continuance.

**Court Christian** (*Curia Christianitatis*) So called, because, as in the Secular Courts, the Kings Laws do sway, and decide Causes; so in Ecclesiastical Courts, the Laws of Christ should rule and direct; for which Cause, the Judges in those Courts are Divines, as, Archbishops, Bishops, Arch-Deacons, &c. *Linwoods words* are these. *In Curia Christianitatis, i. Ecclesia, in qua servantur Leges Christi, cum tamen in foro regio servantur Leges mundi.* 2 *Part. Inst. fol. 488.* See before in *Court.*

**Court of Delegates.** See *Delegates.*

**Court of Chibalry** (*Curia Militaris*) Otherwise called the *Marshal Court*; the Judges of it, are the Lord Constable of England, and the Earl Marshal of England: This Court is the Fountain of the *Marshal Law,* and the Earl Marshal, is both one of the Judges, and to see execution done. See *Constable,* and 4 *Part. Instit. fol. 123.*

*Jehan, filz, frere, & uncle au Roy, Duc de Bedford, & d'Anjou, Comte Richemond & de Kendal, & Capesable d'Angleterre, a nostre*

*treschere Cousin Jehan Duc de Norfolk, Marechal d'Angleterre salut. Nous vous mandons & chargeons qui vous facez arrester & venir devant nous ou nostre Lieutenant a Westminster a la Quinsiesme du Saint Hillaire prochain venant William Clopton du Comte de Suffolk Esquier, pour adunques respondre devant nous ou nostre Lieutenant, en la Cour de Chivalrie, a Robert Eland Esquier de Comte de Norfolk de ce que le dit Robert adunques luy sur mettra par voie de Armes, ad & appose le Seel de ces Armes a un faux & forge fait, as damages du dit Robert de Cl. & plus a ce quil dit Remandantz par d'overs nous a dit jour, ove iceft nostre mandement, tout ce que vous en aurez fait. Donne sous le seel du nostre Office le xxiii. jour de Nov. l'an du regne nostre Signeur le Roy sixme puis le Conquest cefisme.*

**Courtillage.** See *Curtilage.*

**Coutbutlaugh** (Sax. *Couth, sciens, & Wtlaugh, exlex*) Is he that willingly receives a Man out-lawed, and cherishes or conceals him. In which case, he was, in ancient time, subject to the same punishment that the Outlaw himself was. *Bracton, lib. 3. tract. 2. cap. 13. num. 2.*

**Cranage** (*Cranagium*) Is a liberty to use a Crane for drawing up Wares from the Vessels, at any Creek of the Sea, or Wharff, unto the Land, and to make profit of it. It signifies also the Money paid and taken for the same. *New Book of Entries, fol. 3.*

**Craikino Sancti Vincentii** (i. the morrow after the Feast of St. Vincent the Martyr, which is 22 *Januarii*) Is the date of the Statutes made at *Merton,* Anno 20 *Hen. 3.*

**Crabent or Craben.** In a tryal by Battel, upon a Writ of Right, the ancient Law was, That the Victory should be proclaimed, and the vanquished acknowledge his fault, in the audience of the people, or pronounce the horrid word *Cravant,* in the name of *Recreantise,* &c. and presently Judgment was to be given, and after this, the *Recreant* should *Amittre liberam legem,* that is, He should become infamous, &c. See 2 *Part. Instit. fol. 247, 248.* We retain the word still for a Coward. If the Appellant joynt Battel, and cry *Craven,* he shall lose *liberam legem;* but if the Appellee cry *Craven,* he shall be hanged. 3 *Instit. fol. 221.*

**Craper.** Seems to be a kinde of small Sea-Vessel or Ship, mentioned in the Stat. 14 *Car. 2. cap. 27.*

**Creatoz** (*Creditor,* of the Fr. *Coyance, persuasio*) Signifies him that trusts another with any debt, be it in Money or Wares. *Old Nat. Br. fol. 67.* Anno 28 *Edw. 3. cap. 5.*

**Cread-tile.** See *Roof-tile.*

**Creak** (*Greca*) Seems to be a part of a Haven, where any thing is landed from the Sea. So that when you are out of the main Sea within the Haven, look how many Landing places you have, so many *Creaks* may be said to belong to that Haven. See *Crompt. Jurisd. fol. 110. a.* This word is mentioned in the Stat.

2 Hen. 4. cap. 5. 5 Eliz. cap. 5. and 14 Car. 2. cap. 28. and in *Plow. Casu*, *Remyer & Fogassa*.

**Crocarda**, A sort of Money. See *Pol-lards*.

**Croft** (Sax.) *Croftus* & *Crosta*, A little Close or Pittle, enclosed near a Dwelling House, for any particular use. *Possunt etiam disti Monachi de eisdem mariscis versus occidentem iucentibus, pro se & hominibus, sive venentibus suis, includere Crostos, sive pratum iuxta pontem separatim quantum illis placuerit*. In Gulf. In some ancient Deeds *Crosta* occurs, as the Latin word for a *Croft*; but *Cum Toftis* & *Croftis*, is most frequent.

**Crosses** (*Cruce signati*) Are used by Brit-ton (cap. 122.) for Pilgrims, because they wear the sign of the Cross upon their Garments. Of these, and their Privileges, read *Bracton*, lib. 5. p. 2. cap. 2. and p. 5. cap. 29. And the *Grand Customary of Normandy*, cap. 43. Under this word, are also signified the Knights of S. John of Jerusalem, created for the defence of Pilgrims; and all those worthy Men of the Nobility and Gentry of England, who in the Reigns of King Henry the Second, Richard the First, Henry the Third, and Edward the First, were *Cruce signati*, as, dedicating and lifting themselves to the Wars, for the recovery of Jerusalem, and the Holy Land. *Greg. Syntag. lib. 14. cap. 13 & 14.*

**Duckingstool** or **Cohesitol** (*Tumbrella*) Is an Engin invented for the punishment of Scolds and thicket Women, by Ducking them in the Water, called in ancient time a *Tumbrel*. *Lamb. Ficen. lib. 1. cap. 12.* *Bracton* writes this word *Tumborella*. *Kitchin*, (cap. Charge in Court Leet, fol. 13. a.) says, Every one having view of Frank-pledge, ought to have a Pillory, and a *Tumbrel*. This was in use even in our Saxons time, by whom it was called *Scealtingstole*, and described to be *Cathedra, in qua rixose mulieres sedentes, aquis demergebantur*: And was a punishment anciently inflicted upon Brewers and Bakers transgressing the Laws, who were thereupon, in such a Stool or Chair, to be ducked and immersed in *Stercoris*, some muddy or stinking Pond.

**Coutlaugh**. See *Coushtlaugh*.

**Cut ante dolozum**, Is a Writ, which a Woman, divorced from her Husband, hath to recover Lands or Tenements from him, to whom her Husband did alienate them during the marriage, because, during the marriage, she could not gainsay it. *Reg. of Writs*, fol. 232. *Fitz. Nat. Br. fol. 204.*

**Cut in vita**, Is a Writ of Entry, which a Widow hath against him, to whom her Husband alienated her Lands or Tenements in his life time, which must specify, that *Dying in life*, she could not withstand it. *Reg. of Writs*, fol. 232. *Fitz. Nat. Br. fol. 193.* See the *New Book of Entries*, verbo, *Cut in vita*.

**Culagium**, Is when a Ship is laid in the Dock to be repaired. *M. S. Arth. Trevor, Arm. de Plac. Edw. 3.*

**Culvertage**, (*Culvertagium*, from *Culum* & *vertere*, to turn tail.) *Omnes cum equis & armis jussu sub nomine Culvertagii convenire*. *Matth. Paris*, fol. 233. That is, under the penalty of Cowardise, or being accounted Cowards. See *Gloss. in x. Scriptores*.

**Cunage** (*Cunagium*) — *De Cunagio Stan-norie*, & *de empione totius Stanni in Com. Devon*. & *Cornub. Rot. Pat. 21 Edw. 3.* See *Coinage*.

**Cuneus**, A Mint or place to Coyn Money in. *Mandatum est Reginaldo de Cornhill, Sc. Sciatis quod concessimus venerabili Patri nostro Cicestr. Episcopo, quod habeat Cuneum suum in Civitate Cicestriz, & quod currat donec nostri in eadem civitate currant, & tunc una cum illis currat*. Et ideo vobis precipimus, quod oi, vel certo nuncio suo Cuneum illum habere sine dilatione faciatis. 2. 29 Apr. Clauf. 6 Joh. m. 3.

**Cuntep-Cuntep**, Is a kinde of tryal, as appears by *Bracton*, in these words, *Negotium in hoc casu terminabitur per Cuntep-Necy, sicut inter Coheredes*. — And, *In brevi de recto negotium terminabitur per Cuntep-Cuntey*, which seems to be as much as the Ordinary Jury. *Bracton*, lib. 4. tra. 3. cap. 18.

**Curfeu** (*Ignitgium*) of the Fr. *Coverir feu*, i. Cover the Fire) Signifies an Evening Peal, by which the Conqueror commanded every Man to take warning, for raking up his fire, and putting out his light: So that in many places at this day, where a Bell is customably rung towards Bed-time, it is said to ring *Curfeu*. *Hil. 3 Rich. 2. Coram Rege, Rot. 8. London.*

**Curia**. See *Court*.

**Curia adhibere bust**, Is a Deliberation which the Court sometimes takes, before they give Judgment in a Cause, wherein there seems to be any point of difficulty; for which, see the *New Book of Entries* on this word.

**Curia claudenda**, Is a Writ that lies against him, who should fence and enclose his ground, if he refuse or defer to do it. *Reg. of Writs*, fol. 155. *Fitz. Nat. Br. fol. 127.* *New Book of Entries*, verbo *Curia claudenda*.

**Curia Penticiarum**. Id est, *Curia in ci-vitate Cestrie coram Vice-comite ibidem in Aula Penticia ejusdem Civitatis*. Pl. in Itin. apud Cestriam, 14 Hen. 7. It is probable this Court was originally held under a *Pentice*, or Shed covered with Bords, and thence took denomination.

**Curnock**, Is four Bushels, or half a Quarter of Corn. *Fleta*, lib. 2. cap. 12.

**Cursitors** (*Clerici de cursu*) Of these there are in the Chancery twenty, who make out original Writs, and are a Corporation of themselves, and to every Clerk are appointed certain Counties. 2 *Inst. fol. 670.*

**Curtessie** of England, (*Jus Curialitatis Anglie*) Is where a Man takes a Wife, seized of Land in Fee-simple, Fee-tail general, or as Heir in Tail special, and hath issue by her, Male or Female, born alive; if the Wife die, the Husband shall hold the Land, during his life,

life, by the Law of England, And he is called *Tenant by the Curtesie* of England; because this Privilege is not allowed in any other Realm, except in Scotland, where it is called *Curialitas Scotie*. See more upon this word in the *Terms of the Law*.

**Curtain** (*Curtana*) Was the name of King Edward the Confessors Sword, which is the first Sword that is carried before the Kings of England, at their Coronation. *Matth. Paris in Hen. 3.* And it is said, the point of it is broken, which may argue an emblem of Mercy.

**Curtilage** (*Curtilagium*) *Hortus olitorius, vel ubi olera leguntur*. A Garden; Yard, Back-side, or (as they call it in Herefordshire) a Fold. *Perfoluat* (decimam) *Laeti, hortorum, Curtilagiorum, Lane, &c.* Provinciale Angl. lib. 3. tit. de Decimis. — Et si in Curtilagio alicujus bladum seminaretur, decimam garbam illius bladi, sicut in campis percipiet. Inq. 36 Hen. 3. *Mibi dici videtur Curtilagium* (says *Spelman*) à *Cur-tillum* & *ago*, scil. locus ubi curvis vel curtilli negotium agitur. It is mentioned Anno 4 Edw. 1. cap. unico. Anno 35 Hen. 8. cap. 4. and 39 Elix. cap. 2. See *Coke*, vol. 6. fol. 64. a. and *Bulstrode Rep. 2 par. fol. 113.*

**Custode admittendo, & Custode amovendo**, Are Writs for the admitting or removing of Guardians. *Reg. of Writs*, in *indice*.

**Custodes libertatis Anglie** *Authozitate Parliamenti*, Was the title or title in which Writs, and other Judicial Proceedings did run, in the Rump time, that is, from the Decollation of King Charles the First, till the *Usurper Oliver* was declared *Protektor*, &c. mentioned in the Statute of 12 Car. 2. cap. 3.

**Custom** (*Consuetudo*) hath the same signification with us, as with the *Civilians*, being by both accounted a part of the Law. *Consuetudo quandoque pro lege servatur* (saith *Bracton*) *in partibus ubi fuerit more utentium approbata; longavi enim temporis usus & consuetudinis non est vilis autoritas*. Lib. 1. cap. 3. *Custom* is a Law or Right not written, which being established by long use, and the consent of our Ancestors, and those of our Kinred, that are *Ultra Tritavum*, hath been and daily is practised. So that allowing the Father to be so much older then his Son, as *pubertas*, or the years of generation require, the Grand-father so much elder then him, and so forth *usque ad tritavum*, we cannot say this or that is a *Custom*, except we can justify, it hath continued so one hundred years: For *tritavus* must be so much elder then the party that pleads it; yet, because that is hard to prove, it is enough for the proof of a *Custom*, if two or more witnesses can depose they heard their Fathers say, it was a *Custom* all their time, and that their Fathers heard their Fathers also say, it was so in their time. If it be to be proved by Record, the continuance of one hundred years will suffice. *Sir Jo. Davies Rep. in Praef. & fol. 32.*

*Custom* is either general or particular: General is that which is current through England, whereof you shall read divers in *Dottor and Student*, lib. 1. cap. 7. Particular, is that which belongs to this or that Lordship, City, or Town.

*Custom* differs from *Prescription*, that being common to more; *Prescription*, for the most part, particular to this or that Man. Again, *Prescription* may be for a far shorter time, than *Custom*, viz. for five years or less. Out of our Statute you may have greater diversity, which see collected in *Cowels Institutes*, tit. de *usucap. & longi temp. prescript.*

*Custom* is allowed for the Tribute or Toll (called *Tonnage* and *Poundage*) which Merchants pay to the King for carrying out, and bringing in Merchandise. Anno 14 Edw. 3. Stat. 1. cap. 21. and 12 Car. 2. cap. 4. In which signification it is Latined, *Custumas*. *Reg. of Writs*, fol. 138. a. and 4 *Inst. fol. 29.* And lastly, for such services, as Tenants of a Mannor owe to their Lord.

**Custom-house**, Is a House in London, where the Kings Customs are received, and the whole business, relating thereunto, transacted. Anno 12 Car. 2. cap. 4.

**Customary Tenants** (*Tenentes per consuetudinem*) Are such Tenants as hold by the Custom of the Mannor, as their special Evidence. See *Copihold*.

**Custos bzebium**, Is an Officer belonging to the Court of *Common Pleas*, and made by the Kings Letters Patent, whose Office is to receive and keep all the Writs returnable in that Court, and put them upon Files, every return by it self, and to receive of the Prototonaries all the Records of *Nisi Prius*, called the *Posseas*. For they are first brought in by the Clerks of the *Assise* of every Circuit to the Prototonary, who entered the Issue in that matter, to enter the Judgment. And four days after the return thereof, (which is allowed to speak in Arrest of Judgment) the Prototonary enters the Verdict and Judgment, thereupon into the Rolls of the Court, and afterwards delivers them over to the *Custos Brevium*, who binds them into a bundle, and makes entry also of the Writs of Covenant, and the Concord upon every Fine; and maketh forth Exemplifications and Copies of all Writs and Records in his Office, and of all Fines levied. The Fines after they are engrossed are thus divided between the *Custos Brevium*, and the Chirographer; this always keeps the Writ of Covenant, and the Note; the other keeps the Concord, and the Foot of the Fine, upon which Foot, the Chirographer causeth the Proclamations to be endorsed, when they are proclaimed. In the Court of Kings Bench there is likewise a *Custos Brevium & Rotulorum*, who fitheth such Writs as are there used to be filed, and all Warrants of Attorney, and transcribeth or maketh out the Records of *Nisi Prius*, &c.

**Custos placitozum** *Corone* (*Bracton*, lib. 2. cap. 5.) Seems to be all one with him, whom

we now call *Custos Rotulorum*.) Of which, I finde mention in the Writ *De Odio & atia*. Reg. of Writs, fol. 133. b.

**Custos Rotulorum**, Is he, who hath the custody of the *Rolls* or Records of the Sessions of Peace, and of the Commission of the Peace it self. He is always a Justice of Peace and *Quorum*, in the County, where he hath his Office; and by his Office, he is rather termed an Officer or Minister, then a Judge; because the Commission of the Peace, by express words, lays this special charge upon him, *Quod ad dies & loca predicta, Brevia, Præcepta, Processus & Indictamenta predicta coram te & iudicis sociis tuis venire facias*. Lamb. Eiren. lib. 4. cap. 3. pag. 373. where you may read more touching this Office. Who shall appoint the *Custos Rotulorum* in every County. See 37 Hen. 8. cap. 1. and 3 & 4 Edw. 6. cap. 1. 2 Inst. fol. 674.

**Custos of the Spiritualities** (*custos spiritualitatis vel spiritualium*) Is he that exerciseth the Spiritual or Ecclesiastical Jurisdiction of any Diocess, during the vacancy of the See; the appointment of whom, by the Canon Law, appertains to the Dean and Chapter. But with us in England, to the Archbishop of the Province by Prescription. Howbeit, divers Deans and Chapters (if *Gwin* say true in his Preface to his *Readings*) challenge this by ancient Charters from the Kings of this Land.

**Cutter of the Talleys**, Is an Officer in the *Exchequer*, that provides Wood for the *Talleys*, and cuts the same paid upon them, and then casts the same into the Court, to be written upon.

**Cypriacrat** (Sax.) *Velligal Ecclesia*. *Primitias seminum quisque ex eo dato Dominico; in quo ipse natalis die domini commoratur*. Spelm. de Concil. vol. 1. fol. 125. See *Churches*.

## D.

**Dakir**. According to the Stat. 51 Hen. 3. *De Compositione ponderum & Mensuram*, A Last of Hides consists of Twenty *Dakirs*, and every *Dakir* of Ten Hides. But by 1 Jac. cap. 33. or Last of Hides or Skins is Twelve dozen. I have also read of a *Dakir* of Iron, but finde not its quantity.

**Damage** (Lat. *Dammatio*. Fr. *Dommage*) Signifies generally any hurt or hindrance, that a Man receives in his Estate, but particularly, a part of that the Jurors are to enquire of, when the Action (be it real or personal) passeth for the Plaintiff. For, after Verdict given of the principal cause, they are asked their Consciences touching *Costs* (which are the charges of Sute, called by the *Civilians* *Expense liti*) and *Damages*, which comprehend a recompence for what the Plaintiff or Demandant hath suffered, by means of the wrong done him by the Defendant or Tenant. Coke on Litt. fol. 257.

**Damage Clear** (*Damna Clericorum*) Is now assessed by the Tenth part in the *Common Pleas*, and the Twentieth part in the *Kings Bench* and *Exchequer* of all *Damages*, (exceeding Five Marks) recovered either by Verdict, Confession, or Judgment of the Court, in all Actions upon the Case, Covenant, Trespass, Battery, False imprisonment, Dower, and all others, wherein the *Damages* are uncertain, which the Plaintiff must pay to the Prothonotary or chief Officer of that Court, wherein they are recovered, before he shall have any Execution for them. For example, If one lends another on his word, or note under hand, One hundred pound, or sells commodity to that value; the Lender or Seller is forced to sue in an Action of the Case, recovers, must pay Ten pound, if in the *Common Pleas*, and Five pound in the *Kings Bench* or *Exchequer*, (and so proportionably for a greater or lesser sum) before he can have Execution. This was originally no other then a gratuity given the Prothonotaries, and their Clerks, for drawing special Writs and Pleadings, which afterwards grew to a certainty, and was not, as some have fancied, anciently, a Tenth part of the *Damages* recovered; For it doth appear by ancient Records, that it hath been at an uncertain rate, sometimes a Sixth, and at other times a Third part. This, by Act of Parliament, 17 Car. 2. cap. 6. is taken away from and after the 29 of September, 1672. And till that time, and no longer, *Damage Clear* shall be paid out of such Moneys onely, as shall be actually levied, or otherwise paid by the Defendants, and onely for the proportion of the Money which shall be so levied or paid, and no more, or otherwise.

**Damage Fesant** (Fr. *Dammage Faisant*, i. Doing hurt or damage) As when a strangers Beasts are doing hurt, or spoil in the Grats, Corn, Woods, &c. of another Man, without his leave or licence. In which case, the party, whom they damage, may therefore take, distress, and impound them, as well in the night as day. But in other cases, as for Rent, Services, and such like, none may distress in the night. Stat. *De Districione Scaccarii*, Anno 51 Hen. 3.

**Danegelt, Danegold, or Dane-geld** (*Gelt* in Dutch signifies Money) Was a Tribute laid upon our Ancestors of Two shillings for every Hide of Land, through the Realm by the *Danes*, who once mastered us, in regard (as they pretended) of clearing the Seas of Pyrats, which greatly annoyed our Coasts in those days. *Camb. Britan.* 83. Stow in his *Annals*, fol. 118. says, This Tribute came to 40000 l. per annum, and began in the time of King *Esbeldred*, who, being much distressed by the continual invasion of the *Danes*, to procure his Peace, was compelled to charge his people with heavy payments. For first he gave them at five several payments 113000 l. and afterwards 48000 l. yearly, which was released by Edward the Confessor, according to *Ingulphus*,

*phus*, fol. 510. a. Others say it continued till Hen. 1. or K. Stephen. See *Hoveden par. post. Annal.* fol. 344. a. *Spelmans Glossarium*, and *Seldens Mare clausum*, fol. 190. — *Et sint quieti de Lene, Danegeld & Gaywite, & de omnibus aliis consuetudinibus*, &c. Carta Hen. 7. Ballivis & Burgens. Mountgomer.

**Danelage**. See *Marchenlage*.

**Darrein**, Is a Corruption from the French *Dernier*, i. *Ultimus*; and we use it in the same sense, as

**Darrein Continuance**. See *Continuance*.

**Darrein Presentment**, (*ultima Presentatio*.) See *Office of Darrein Presentment*.

**Datife, or Datibe**, (*Dativus*.) That may be given, or disposed of. Whether a *Prior* shall be *Datife*, and removable, or perpetual, shall be tried by the *Ordinary*. Anno 9 Rich. 2. ca. 4. Si *Prior* *Datife* & removable *supra* escape, *respondet superior*. 45 Ed. 3. 9. 10.

**Day**, (*Dies*.) Is sometimes used for the Day of Appearance in Court, either Originally, or upon Assignment; and, sometimes for the Returns of Writs. For example, *Dayes in Bank* are *Dayes* set down by Statute, or Order of the Court, when Writs shall be returned, or when the Party shall appear upon the Writ served; for which, you may read the Statutes 51 Hen. 3. ca. 1 & 2. — *Marlb. ca. 12* — 52 Hen. 3. and the Statute de *Anno Bissestili*. 21 Hen. 3. and lastly, 32 Hen. 8. ca. 21. To be dismissed without *Day*, is to be finally discharged the Court. He had a *Day* by the Roll; that is, he had a day of Appearance Assigned him. *Kitchin*, fol. 193 & 197. *Day, Year, and Wast*. See *Year, Day, and Wast*. And see *Dies*.

**Deadly Feud**, (*Feuda & Faida*.) Is a Profession of an Irreconcilable Enmity, till we are revenged even by the death of our Enemy. It is deduced from the German word (*Feud*), which, as *Hottoman*, (*in verbis Feudalibus*) saith, *Modo bellum, modo capitales inimicitias significat*. It is used Anno 43 Eliz. ca. 13.

**Dead Pledge**, (*mortuum vadium*.) See *Mortgage*.

**De-afforested**, That is discharged from being Forest; or, that is freed and exempted from the Forest-Laws. Anno 17 Car. 1. ca. 16.

*Johannes Dei Gratia, &c. Archiepiscopus, Episcopus, &c. Sciatis nos omnino Deafforestasse Forestam de Brewood de omnibus que ad Forestam & Forestarius pertinent. Quare volumus & firmiter precipimus quod predicta Foresta & homines in illa manentes & heredes eorum sint Deafforestati imperpetuum*, &c. Dat. apud Brug. 13 Martii Anno regni nostri 5.

**Dean**, (*Gr. Δεκαρχία & Δεκα, decem*.) Is an Ecclesiastical Magistrate, so called, because he presides over Ten Canons or Prebends at the least. We call him a *Dean* that is under the Bishop, and chief of the Chapter, ordinarily in a Cathedral Church; and, the rest of the So-

ciety or Corporation we call *Capitulum*, the Chapter. But, how diversly this word is used, read *Lindwood*, Tit. de *Constitut.* ca. 1. verbo, *Decani Rurales*; where *Rural Deans* are said to be certain persons that have Jurisdiction Ecclesiastical over other Ministers and Parishes neer adjoining, assigned them by the Bishop and Arch-Deacon, being placed and displaced by them: Such are the *Dean of Croiden* in *Surrey*, *Dean of Battel* in *Kent*, &c.

As there are two Foundations of Cathedral Churches in England, the old and the new, (the new are those which Henry the Eighth upon Suppression of Abbies transformed from Abbot, or Prior and Convent, to Dean and Chapter,) so are there two means of Creating these Deans: For, those of the Old Foundation were exalted to their Dignity much like Bishops; the King first sending out his *Commissio d'Esire* to the Chapter, the Chapter then choosing, the King yielding His Royal Assent, and the Bishop Confirming him, and giving his Mandate to enstall him. Those of the New Foundation are by a shorter course Enstalled, by Vertue of the Kings Letters-Patent, without either Election or Confirmation. This word is also applied to divers that are the chief of certain peculiar Churches or Chappels, as the *Dean of the Kings Chappel*, the *Dean of the Arches*, the *Dean of St. Georges Chappel* in *Windfor*, &c. *Nec Collegio alicui præfetti, nec jurisdictione ulla donati, nomine tamen velut honoris gratia insignes*, sayes *Spelman*.

**De bene esse**, Are three common Latin words, but their signification more mysterious, conceiv'd to be thus: To take or do any thing *De bene esse*, is to accept or allow it, as well done for present; but, when it comes to be more fully examin'd or try'd, to stand or fall, to be allowed or disallowed, according to the Merit or Well-being of the thing in its own nature; or (as we say) *Valeat quantum valere potest*: So in Chancery, upon motion to have one of the less-principal Defendants in a Case, examin'd as a Witness, the Court (not then thoroughly examining the justice of it, or not hearing what may be objected on the other side) often orders such a Defendant to be examined *de bene esse*. i. That his Depositions shall be allowed or suppressed at the Hearing of the Cause, upon the full debate of the Matter, as the Court shall then think fit, but for the present they have a well-being, or conditional allowance. It is used in *Langhams Case*, *Croke* 3 Part. fol. 68.

**Debentur**, Was by a *Rump Act* in 1649, ordained to be in the nature of a Bond or Bill, to charge the Common-wealth (forsooth) to pay the Soldier-Creditor, or his Assignes the Sum due upon Auditing the Account of his Arrears. The Form of which *Debentur*, as then used, you may see in *Scobels Rump Act*: Anno 1649, ca. 63. The word is also mention'd in the Act of Oblivion, 12 Car. 2. ca. 8. *Señ. 7.* and is used in the *Exchequer*. See *Auditor of the Receipts*.

Y

Debet

**Debet & solet.** Are Latin words, often used in our Law-Writers. In old *Nat. Br.* fol. 98. it is said, This Writ *De festis molendinis*, being in the *debet* and *solet*, is a Writ of Right, &c. And again, fol. 69. A Writ of *quod permittat* may be pleaded in the County before the Sheriff; and, it may be in the *debet*, and *solet*, or in the *debet*, without the *solet*, according as the Demandant claims. Wherefore note, that those Writs which are in this sort brought, have these words in them as Formal words, not to be omitted. And, according to the diversity of the Case, both *debet* and *solet* are used, or *debet* alone; That is, if a man sue to recover any Right, whereof his Ancestor was disseised by the Tenant or his Ancestor, then he useth only the word *debet* in his Writ; because *solet* is not fit by reason his Ancestor was disseised and the Custom discontinued: but, if he sue for any thing that is now first of all denied him, then he useth both these words; because his Ancestors before him, and he himself usually enjoyed the thing sued for, as tithes to a Mill, or Common of Pasture, until this present refusal of the Tenant. The like may be said of *debet* and *detinet*, as appears by the Reg. of Writs in the Writ *De debito*, fol. 140. a.

**Debito.** or *De debito*, Is a Writ which lies, where a Man owes another a Sum of Money by Obligation, or Bargain for any thing sold him, *Fitz. Nat. Br.* fo. 119. This Writ is made sometime in the *detinet*, and not in the *debet*, which properly falls out, where a Man owes an Annuity, or a certain quantity of Wheat, Barley, or such like, which he refuseth to pay, *Old Nat. Br.* fo. 75. See *Debet* and *solet*.

**Decem tales.** See *Tales*.

**Deceit.** (*Deceptio, dolus*,) Is a Subtile, wily Shift, or Trick; whereunto may be drawn all manner of Craft, Subtily, Guile, Fraud, Slight, Cunning, Covin, Collusion and Practise used to Deceive another Man by any Means; which hath no other more proper or particular Name then *Deceit*, or Offence. *West, pa. 2. Symbol. tit. Indictments.* Sect. 68. See *Cusening*, and *New Book of Entries*, verbo *Disceit*.

**Decenna, and } See Deciners.**

**Decenniers.** (*Decennarii*,) The Limits or Compaſs of ten Friburghs. See *Deciners*.

**Deceptione.** Is a Writ that lies properly for one that receives harm or damage by him that does any thing deceitfully in the Name of another. (*Fitz. Nat. Br.* fol. 95.) And is either *Original*, or *Judicial*, as appears by *Old Nat. Br.* fo. 50. where you may read the use of both, to this effect; This Writ of *Deceit*, when it is *Original*, lies where *deceit* is used to a Man by another, by not sufficiently performing a Bargain or Promise, or by using some Guile, whereby he may be disinherited, or evil intreated, &c. And, when *Judicial*, it lies out of the Rolls of Record, as in the Case where *scire facias* is sent to the Sheriff, that he warn a man to be before the Justices at a certain day, and the Sheriff returns the Writ, served, whereas

the Party was not warned, whereby he that sues the *scire facias* recovers; then the Party, who ought to have been warned, shall have the said Writ against the Sheriff. See *Reg. of Writs*, fol. 112. and *Reg. Judicial* in the Table, verbo, *Deceptione*.

**Decies tantum.** Is a Writ that lies against a Juror, who hath taken Money for giving his Verdict, called so of the effect; because it is to recover ten times so much as he took. It lies also against Embracers that procure such an Enquest. *Anno 23 Ed. 3. ca. 13. Reg. of Writs*, fol. 188. *Fitz. Nat. Br.* fol. 171. *New Book of Entries*, verbo, *Decies tantum*.

**Decimation.** (*Decimatio*,) the punishing every tenth Souldier by Lot was termed *Decimatio Legionis*: Also a tithing, or paying the tenth part. What *Decimation* was in the late Usurpers time, (1655,) is still in the Memory of many good Subjects of this Realm. See *Tenets*.

**Decimis solvendis pro possessionibus alienigenarum.** Is a Writ or Letters Patent, yet extant in the Register, which lay against those that had farmed the Priors aliens Lands of the King, for the Rector of the Parish, to recover his Tyth of them. *Reg. of Writs*, fol. 179.

**Deciners** alias **Decenniers**, alias **Doziners**, (*Decennarii, Decarchi*,) Signifie, in the Ancient Monuments of our Law, such as were wont to have the oversight and check of the Friburghs, for Maintenance of the Kings Peace; And, the limits, or compaſs of their Jurisdiction was call'd *Decenna*. *Bracton lib. 3. Tract. 2. ca. 15.* of whom you may also read *Fleta*, lib. 1. ca. 27. And *Reg. of Writs*, fol. 98. b. These seemed to have large Authority in the Saxons time, taking knowledge of Causes within their Circuit, and redressing Wrongs by way of Judgment, and compelling Men thereunto, as you may read in the *Lawes of K. Edward the Confessor*, published by *Lambert*, Numb. 32. In later times I find mention of them, as in *Britton*, ca. 12. who sayes, in the Kings Person, (for so he Writes his whole Book,) We will, that all those who are 14 years old, shall make Oath, That they shall be sufficient and loyal to Us; and, neither be Felons, nor assenting to Felons: And, We will, That all Profess themselves to be of this or that Dozein, and make, or offer Surety of their Behaviour by these or those Doziners; except Religious Persons, Clerks, Knights eldest Sons, and Women. Yet, the same Author in his 29th Chap. sayes, all of 12 years old and upwards are punishable for not coming to the Sheriffs Turn, except Earles, Prelates, Barons, Religious persons, and Women. *Stamf. Pl. Cor.* fol. 37. has these words; *It is like Law is, where the Doziners make Presentment, that a Felon is taken for Felony, and delivered to the Sheriff, &c.* And, *Kitchin*, (fol. 33.) thus; Religious persons, Clerks, Knights, or Women, shall not be Decenniers.

A Dozein seems now to extend so far, as every Leet extends; because in Leets only this Oath is Ministered by the Steward, and taken by such

such as are twelve years old and upwards, dwelling within the Precinct of the Leet where they are sworn. *Fitz. Nat. Br.* fol. 261. a. The particulars of this Oath, you may read in *Bracton*, lib. 3. tract. 2. cap. 1. num. 1. who sets down fifteen years for the age of those that are to be sworn to the Kings Peace, but afterwards names twelve years. See *Inlaugh*.

We may note out of the Premises, a diversity between the ancient and these modern times, in this Point of Law and Government, as well in the age of those who are to be sworn, as also that *Decennier* is not now used for the chief Man of a Dozein, but for him that is sworn to the Kings Peace; and lastly, That now there are no other Dozeins but Leets, and that no Man ordinarily gives other security for keeping the Kings Peace, but his own Oath, and that therefore no Man answers for anothers transgression, but every Man for himself. See *Frank-pledge*, and 2 Part. *Inf.* fol. 73.

**Declaration** (*Declaratio*) Is properly the shewing forth, or laying down in writing the Cause of Action in any sute at Law, wherein the party supposes to have wrong. This, in an Action Real, is properly called a *Count*, which ought to contain *Demonstration*, *Declaration*, and *Conclusion*. In *Demonstration*, are contained three things, viz. Who complains, against whom, and for what matter: In the *Declaration* there ought to be comprised, how, and in what manner the Action rose between the parties, when, what day, year, and place, and to whom the Action shall be given. And in the *Conclusion* he ought to aver and proffer to prove his sute, and shew the damage he hath sustained by the wrong done him. *Terms de la Ley*.

**Decretals** (*Decretales*) Are a Volume of the Canon Law, so called; or Books containing the *Decrees* of sundry Popes; or a Digestion of the Canons of all the Councils that pertained to one Matter, under one Head.

**Debt** (as if it be said in a Feoffment, *I. S.* hath Given, granted, &c.) It is a Warranty in Law to the Feoffee, and his Heirs. *Coke on Littl.* fol. 384. a.

**Dedimus Potestatem** (i. We have given power) Is a Writ whereby Commission is given to one or more private persons, for the speeding of some Act appertaining to a Judge. The *Civilians* call it *Delegationem*. And it is granted most commonly upon suggestion, that the party, who is to do something before a Judge, or in a Court, is so weak, he cannot travel. It is used in divers Cases, as to take a Personal Answer to a Bill of Complaint in *Chancery*, to examine witnesses in a Cause depending in that Court; to levy a Fine, &c. *West, part. 2. Symbol. tit. Fines*, sect. 112. and divers other, as you may see in *Fitz. Nat. Br.* and in the Table of the *Reg. of Writs*, verbo, *Dedimus Potestatem*.

**Ded** (*Factum*) Is an Instrument written in Parchment or Paper, consisting of three things, viz. *Writing*, *Sealing*, and *Delivery*, and comprehending a Contract or Bargain between

party and party: Of which, there are two sorts, *Deeds Indented*, and *Deeds Poll*; which names arise, from the form or fashion of them, the one being cut in and out in the top or side, which we call *Indented*, the other being plain. A *Deed Indented*, is a Deed consisting of two parts, or more (for there are Tripartite and Quadripartite Deeds) in which it is expressed, That the parties thereto, have to every part thereof interchangeably set their several Seals. The cause of their Indenting is, that it may appear they belong to one business or contract. A *Deed Poll* or polled (anciently called *Charta de una parte*) is a plain Deed without Indenting; as if we should say, The Indenting is polled or cut off; and is used, when the Vendor for example onely Seals, and there is no need of the Vendee sealing a Counterpart, by reason the nature of the Contract is such, as it requires no Covenant from the Vendee, unless in such case the Vendor will out of caution or curiosity have a Counterpart, to see, upon any occasion, which Covenants himself hath given. See *Coke on Littl.* fol. 35. b.

**Demsters or Demsters** (from the Saxon *deema*, i. a Judge or Umpire) *All Controversies* (in the Isle of Man) are decided without Process, Writings, or any Charges, by certain Judges, whom they chuse from among themselves, and call *Demsters*. *Camd. Brit. tit. British Islands*.

**Deer-Hays.** Are Engins or great Nets, made of Cords to catch Deer. *Anno 19 Hen. 7. cap. 11.*

**De essendo quietum de Tolonto.** Is a Writ that lies for those, who are by privileged freed from the payment of Toll, which read at large in *Fitz. Nat. Br.* fol. 226.

**De expensis militum.** Is a Writ commanding the Sheriff to levy four shillings per diem, for the expences of a Knight of the Shire. And a like Writ *De expensis Civium & Burgensium*, to levy two shillings per diem, for every Citizen and Burgeſs of Parliament. *4 Inf.* fol. 46.

**De facto.** (*Anno 12 Car. 2. cap. 30.*) Which is actually done, done indeed.

**Default** (*Fr. Defaut*) Is an Offence in omitting that which we ought to do: Of this *Bracton* hath a whole Tract, lib. 5. tract. 3. By whom it appears, that *Default* is most notoriously taken for non-appearance in Court at a day assigned. Of this you may also read *Fleta*, lib. 6. cap. 14. and *Coke on Littl.* fol. 259. b.

**Defeizance** (of the *Fr. Desfaire*, i. to undo or defeat) Signifies a Condition relating to a Deed, as to a Recognizance or Statute, which being performed by the Recognizor, the Deed is disabled and made void, as if it never had been done. The difference between a *Proviso* or Condition in Deed, and a *Defeizance*, is, That those are inserted in the Deed or Grant; this is usually in a Deed by it self. Of which you may read, *West* at large, *Par. 1. Symb. lib. 2. sect. 156.*



**Defend** (Fr. *Defendre*) Signifies, in our ancient Laws and Statutes, to prohibit or forbid. As — *Ufuarius defendit quocumque Rex Edwardus, ne remaneret in Regno.* LL. Ed. Conf. cap. 37. & 5 Rich. 2. cap. 7. Of which, thus *Chaucer.*

**Where can you say in any manner age,  
That ever God defended Marriage.**

And in 7 *Edw. 1.* we have a Statute, entitled *Statutum de defensione portandi arma, &c.* It is defended by Law to Distrain in the Highway. *Coke on Littl. fol. 161.*

To this day, in divers parts of England, we say, *God defend*, instead of *God forbid*. And the *Fench Moneth* is more truly called the *Defence Moneth*, i. the Forbidden Moneth. See *Fench Moneth.*

**Defendant** (*Defendens*) Is he that is sued in an *Adm. Personal*; as *Tenant* is he, who is sued in an *Action Real*. See *Impedens*.

**Defendimus**, Is a word used in Feoffments and Donations, and hath this force, that it binds the Donor and his Heirs to defend the Donee; if any Man go about to lay any servitude on the thing given, other then is contained in the Donation. *Bracton, lib. 2. cap. 16. num. 10.* See *Warranty*.

**Defender of the Faith** (*Defensor fidei*) Is a peculiar title given to the Kings of England by the Pope, as *Catholicus* to the King of Spain, *Christianissimus* to the King of France, and *Advocatus Ecclesie* to the Emperor: Which title was given by Pope Leo the Tenth to King Henry the Eighth, for writing against *Martin Luther*, in behalf of the Church of Rome, and the Bull for it bears date *Quinto Idus Octobr. 1521.* which may be seen at length in the Lord Herberts History of Henry the Eighth, fol. 105.

**Deforcement** (*Deforciammentum*) *Matth. Paris, fol. 422.* *Quicumque deforciamerit eis dotem, & de ipso deforciammento convicli fuerit, id est, Per vim abstulerit.* A withholding Lands or Tenements by force from the right owner. See *Deforceor*, and *Coke on Littl. fol. 331. b.*

**Deforciant** (*Anno 23 Eliz. cap. 3.*) The same with *Deforceor*.

**Deforceor** (*Deforcior*, of the Fr. *Forceur*, i. *expugnator*) Is one that overcomes and casts out by force, and differs from *Disseisor*: First in this, because a Man may disseise another without force, which is called *Simple Disseisin*. *Britton, cap. 53.* Next, because a Man may deforce another that never was in possession. For example, if more have right to Lands, as Common Heirs, and one entering, keeps out the rest, the Law says, He *deforceth* them, though he do not disseise them. *Old Nat. Br. fol. 118.* And *Littleton, (cap. Discontinuance, fol. 117.)* says, He who is infeoffed by the Tenant in Tail, and put in Possession, by keeping out the Heir of him in Reversion being dead, doth deforce him, though he did not disseise him; because he entered, when the Tenant in Tail

was living, and the Heir had no present right. A *Deforceor* differs from an *Intruder*, because a Man is made an *Intruder* by a wrongful entry only into Land or Tenement void of a Possessor; And a *Deforceor* is he that holds out the right Heir as above said. *Bracton, lib. 4. cap. 1.*

**Degrading.** See *Disgrading*.

**Delegates** (*Anno 25 Hen. 8. cap. 19.*) Are Commissioners so called, because *delegated* or appointed by the Kings Commission under the Great Seal, to sit upon an Appeal to the King in the Court of *Chancery* in three Cases.

First, When a Sentence is given in any Ecclesiastical Cause, by the Archbishop or his Official.

Secondly, When any Sentence is given in any Ecclesiastical Cause in places exempt.

Thirdly, When a Sentence is given in the Admiral Court in Sutes, Civil and Marine, by order of the Civil Law. 4 *Part. Inst. fol. 339.* *Anno 8 Eliz. cap. 5.*

**Deliberance.** See *Replegiare*.

**Delf** (from the Sax. *Deßan*, to dig or delve) Is a Quarry or Mine, where Stone or Coal is dug. *Anno 31 Eliz. cap. 7.* And in a Charter of *Edward the Fourth*, there is mention of a Mine or Delf of Copper. *Camd.*

**Demain or Demein** (*Dominicum. Gallis, Domanium. Italis, Demanium*) Accipitur multipliciter (says *Bracton*) *Est autem Dominicum, quod quis habet ad mensam suam & propriam, sicut sunt Bordlands, Anglice, i. Dominicum ad mensam. Item dicitur Dominicum, Villenagium quod traditur villanis, quod quis tempestive & intempestive resumere possit pro voluntate sua & revocare. Lib. 4. tract. 3. cap. 9. num. 5.* *Demains* (according to common speech) are the Lords chief Mannor place, with the Lands thereto belonging, which he and his Ancestors have from time to time kept in their own Manual occupation; howbeit (according to Law) all the parts of a Mannor (except what is in the hands of Freeholders) are said to be *Demains*. And the reason why Copihold is accounted *Demain*, is because Copiholders are adjudged in Law to have no other estate, but at the will of the Lord; so that it is still reputed to be in a manner in the Lords hands.

*Demain* is sometimes used in a more special signification, as opposite to *Frank-fee*: For example, those Lands which were in the possession of King *Edward the Confessor*, are called *Ancient Demains*, and all others *Frank-fee*; and the Tenants which hold any of those Lands are called *Tenants in Ancient Demain*; the others, *Tenants in Frank-fee*. *Kitchin, fol. 98.* See more on this subject in the Learned *Spelman, verbo, Dominicum.*

**Demand** (Fr. *Demande, i. postulatio*) Signifies a calling upon a Man for any thing due. It hath also a proper signification, distinguished from *Plaint*: For all Civil Actions are pursued, either by *Demands* or *Plaints*; and the pursuer is called *Demandant* or *Plaintiff*, viz. *Demandant* in Actions Real, and *Plaintiff* in Personal.

Personal. And where the Party pursuing is called *Demandant*, the party pursued is called *Tenant*; where *Plaintiff*, there *Defendant*: If a Man release to another all *Demands*, this is the best Release which the Releasee can have; and shall enure most to his advantage. *Littl. fol. 117. a.* There are two manner of *Demands*, the one in Deed, the other in Law: In Deed, as in every *Præcipe*, there is express *Demand*: In Law, as every Entry in Land, Distress for Rent, taking or seising of Goods, and such like acts, which may be done without any words, are *Demands* in Law. As a Release of Sutes is more large then a Release of Quarrels or Actions; so a Release of *Demands* is more large and beneficial, then either of them. By Release of all *Demands*, all Executions, and all Freeholds and Inheritances executory are released; By Release of all *Demands* to the Disseisor, the right of Entry in the Land, and all that is contained therein, is released. And he that releaseth all *Demands*, excludes himself from all Actions, Entries, and Seisures; but a Release of all *Demands*, is no Bar in a Writ of Error to Reverse an Outlary. *Coke, lib. 8. fol. 153. 154.*

**Demandant** (*Petens*) Is he, who is Actor or Plaintiff in a Real Action, because he demandeth Lands, &c. *Coke on Littl. fol. 127. b.* See *Demand*.

**Demain-Chart of an Abbot**, Seems to be that Chart, which the Abbot used upon his own *Demain*. *Anno 6 Hen. 3. cap. 21.*

**Demi-baquet.** See *Haque and Haquebuz.*

**Demise** (*Dimissio*) Is applied to an Estate either in Fee-simple, Fee-tail, or for term of Life, and so it is commonly taken in many Writs. 2 *Part. Inst. fol. 483.* The Kings death is in Law, termed the *Demise of the King*.

**Demisters.** See *Deemsters*.

**Demurrer** (from the Fr. *Demeurer, i. Manere in aliquo loco, vel morari*) Is a kinde of pause or stop put to the proceedings of any Action upon a point of difficulty, which must be determined by the Court, before any further proceedings can be had therein: For in every Action, the Controversie consists, either in Fact or in Law; if in Fact, that is tried by the Jury; if in Law, the Case is plain to the Judge, or so hard and rare, as it breeds just doubt. We call that plain to the Judge, wherein he is assured of the Law; though perhaps the party and his Council yield not to it: And in such case, the Judge with his Associates, proceed to Judgment, without more ado; but when it is doubtful, then stay is made, and a time taken, either for the Court to consider further of it, and agree if they can; or else, for all the Judges, to meet together in the *Exchequer Chamber*, and upon hearing what the Serjeants can say on both sides, to determine what is Law. And whatsoever they conclude, stands firm without further Appeal. *Smith de Repub. Angl. lib. 2. cap. 13.* This *Demurrer* is in our Records expressed in Latin by *Moratur in Lege*. At the Common Law, the Defendant

sometimes *demureth* to the Plaintiffs Count or Declaration, and sometimes the Plaintiff *demurs* to the Defendants Plea, by averring, That it is not a sufficient Plea in the Law, &c. In *Chancery*, the Defendant *demurs* to the Plaintiffs Bill, averring it to be defective in such, or such a point, and demands the Judgment of the Court thereupon, whether he shall be compelled to make any further or other answer thereunto, &c. See *Moratur in Lege*.

**Denariata tetra.** See *Fardingdeal of Land*.

**Denariatus**, *Precium rei quæ Denario constat: Mercis, redditus, terra.* Sciant — quod ego *Wilhelmus filius Philippi de Colewal Dedi* — *Egidio de la Berne de Hereford pro quadam summa pecunie* — *OEtio Denariatos annui redditus, &c.* Sine dat.

**Denelage or Danelage**, (From the Sax. *Dane* and *laða, lex*) Is the Law the Danes made here in England. See *Merchenlago*.

**Denizen** (Fr. *Donaijon, i. Donatio*) Signifies an Alien that is enfranchised here in England, by the Kings Charter and Donation, and enabled in many respects, to do, as the Kings Native Subjects do; namely, to purchase and possess Lands, to be capable of any Office or Dignity. Yet is it short of *Naturalization*; because a stranger *naturalized* may inherit Lands by descent, which a *Denizen* cannot. And again in the Charter, whereby a Man is made *Denizen*, there is commonly contained some one clause or other, that abridges him of that full benefit which natural subjects enjoy. And when a Man is thus enfranchised, he is said to be under the Kings Protection, or *Esse ad fidem Regis Angliæ*; before which time, he can enjoy nothing in England. *Bracton (lib. 5. tract. 5. cap. 25. num. 3.)* saith, That he and his goods might be seized to the Kings use. See *Horns Mirror, lib. 1. cap. de la Venue de Franc-plege*, and 2 *Part. Inst. fol. 741.*

**De non Residencia Clerici Regis**, Is an ancient Writ, the Form whereof see in 2 *Part. Inst. fol. 624.*

**Deodand** (*Deodandum*) Is a thing given or forfeited, as it were to God for the pacification of his Wrath, in a Case of Misadventure, whereby a Christian Soul comes to a violent end, without the fault of any reasonable Creature. As, if a Horse strike his Keeper and kill him: If a Man, in driving a Cart, falls so, as the Cart-wheel runs over him, and presses him to death: If one be felling a Tree, and gives warning to the standers by, to look to themselves, yet a Man is killed by the fall of it. In the first of these Cases, the Horse; in the second, the Cart-wheel, Cart, and Horses; and in the third, the Tree is to be given to God, that is, to be sold and distributed to the Poor, by the Kings Almoner, for expiation of this dreadful event, though effected by unreasonable, yea, senseless and dead creatures. *Stamf. Pl. Cor. lib. 1. cap. 2. Bracton, lib. 3. tract. 2. cap. 5.*



*Omnia qua movent ad Mortem sunt Deodanda.*

What moves to Death, or kills the Dead, Is **Deodand**, and forfeited.

*Fleta* says, This **Deodand** is to be sold, and the price distributed to the Poor, for the Soul of the King, his Ancestors, and all faithful people departed this life. *Lib. 1. cap. 25. De Submersis.* Which Law seems to bear an imitation of that in *Exodus, cap. 21. Si cornu perierit bos virum vel mulierem, ita ut moriatur, lapidabitur bos neque comedetur caro ejus, ac Dominus ejus erit innocens.* This word is mentioned in the Stat. *De Officio Coronatoris, Anno 4 Edw. 1. See 3 Part. Inf. fol. 57.*

**Deoneranda pro rata portione**, Is a Writ that lies where one is distrained for a Rent, that ought to be paid by others proportionably with him. For example, a Man holds ten Oxgangs of Land, by Fealty, and ten shillings Rent of the King, and aliens one Oxgang thereof to one, and another to another in Fee: Afterward, the Sheriff or other Officer distrains only one of them for the Rent, he that is so distrained, may have this Writ for his relief. *Fitz. Nat. Br. fol. 224.*

**Departure** or **Departure** Is a word properly applied to him, who, first pleading one thing in Bar of an Action, and being replied unto, does in his Reply, wave that, and shew another matter contrary, or not pursuing his first Plea. *Plowden in Reneger and Eaguff, fol. 7, 8.* Or it may be applied to a Plaintiff, who in his Replication, shews new matter from his Declaration. As in *Crokes 2 Part. Bagshaw's Case, fol. 147.* The Defendant hereupon demurred, because it was a departure from the Declaration. So if a Man plead a General Agreement in Bar, and in his Rejoinder allege a special one, this shall be adjudged a **Departure in Pleading.**

**Departure in despite of the Court**, Is when the Tenant or Defendant appears to the Action brought against him, and hath a day over in the same Term, or is called after, though he had no day given him, so it be in the same Term; if he do not appear, but make default, it is a **Departure in despite of the Court**, and therefore he shall be condemned; which **departure** is always of the part of the Tenant or Defendant, and the Entry of it is, *Quod pradiatus A. licet solemniter excoctus, non reventit, sed in contemptum Curie, recessit & defaultum fecit Coke, lib. 8. fol. 62.*

**Departers of Gold and Silver.** See *Fines.*

**Depopulation** (*Depopulatio*) A wasting, pilling, or destruction; a desolation, or unpeopling of any place. *Cokes 12 Rep. fol. 30.*

**Depopulatores agrorum**, It appears by the Stat. 4 Hen. 4. cap. 2. that they were great offenders by the ancient Law, and that the Appeal or Indictment of them, ought not to be

General, but in Special manner. They are called **Depopulatores Agrorum**, for that by prostrating or decaying the Houses or Habitation of the Kings people, they depopulate, that is, dispeople the Towns. 3 Part. Inf. fol. 204.

**Deposition** (*Depositio*) Is the Testimony of a Witness, otherwise called a **Deponent**, put down in writing by way of answer to Interrogatories, exhibited to that purpose in the Court of Chancery; And when such witness is examined in open Court, he is said to be examined *Viva voce.* **Deposition** is also used for death; as in *Provin. Angl. lib. 2. tit. De feriis. Ordinarum quod Festum Depositionis Sancti Johannis de Beverlaco, 7 die Maii.* — Per Provinciam nostram antedictam perpetui temporibus celebratur.

**Deprivation** (*Deprivatio*) A depriving, bereaving, or taking away. — **With the loss of deprivation of all the Spiritual Promotions, whereof, &c.** Anno 2 & 3 Edw. 6. cap. 20. **Deprivation** of Bishops and Deans. Anno 39 Eliz. cap. 8.

**De quibus sur Discein**, Is a Writ of Entry. See *Fitz. Nat. Br. fol. 191.*

**Deraign** or **Dereyn** (*Disrationare vel dirationare*) Signifies generally, to prove, as *Dirationabit jus suum hares propinquior. Glanvil. lib. 2. cap. 6.* And, *Dirationabit terram illam in Curia mea.* He proved that Land to be his own. *Idem, lib. 2. cap. 20.* **Bracon** uses it in the same sense, *Habeo sufficientem dirationem & probationem, lib. 4. tract. 6. cap. 16.* And so he useth *dirationare, lib. 4. cap. 22.* And to **Dereyn** the Warrant, *Old Nat. Br. fol. 146.* To **Deraign** that right, 3 Edw. 1. cap. 40. And *Westm. 2. cap. 5. Anno 13 Edw. 1. cap. 5.* When the Parson of any Church is disturbed to demand Tythes in the next Parish, by a Writ of *Indicavit*, the Patron shall have a Writ to demand the Advowson of the Tythes, being in demand, and when it is **Deraigned**, then shall the Plea pass in the Court *Christian*, as far forth as it is **Deraigned** in the Kings Court. In some places the Substantive **Dereynment** is used in the very literal signification with the French *Disfrayer* or *desfranger*, that is, turning out of course, displacing or setting out of order; as **Deraignment** or departure out of Religion, Anno 31 Hen. 8. cap. 6. and 5 & 6 Edw. 6. cap. 13. And **Dereynment** or discharge of their profession. 33 Hen. 8. cap. 29. Which is spoken of those Religious Men, who forsook their Orders and Professions. So *Kitchin, fol. 152.* The Lessee enters into Religion, and afterwards is **dereigned**. And *Britton, cap. 21.* hath these words *Semounse desrenable*, for a Summons that may be challenged, as defective, or not lawfully made. Of this you may read something more in *Skene, verbo, Disrationare*, where, in one signification, he confounds it with our waging and making of Law. See *Lex Deraignia.*

**Descent.** See *Descent.*

**De son tort demesni** (Fr.) Are words of Form, used in an Action of Trespass by way of Reply to the Defendants Plea. For example, A.

A. sues B. in such an Action, B. answers for himself, that he did that which A. calls a trespass, by the command of C. his Master; A. saith again, that B. did it, *de son tort demesne, sans ceo que C. luy commanda, modo & forma.* That is, B. did it of his own wrong, without that that C. commanded him, in such form, &c.

**Detinet.** See *Debito* and *Debet* and *Solet.*

**Detinue**, (*detinendo*,) Is a Writ that lies against him, who, having Goods or Chattels delivered him to keep, refuses to re-deliver them. See *Fitz. Nat. Br. fo. 138.* To this is answerable in some sort *actio depositi* in the Civil Law. And he takes his Action of **Detinue**, who intends to recover the thing detained, and not the Damages sustained by the **Detinue**. *Kitchin, fol. 176.* See the *New Book of Entries, verbo, Detinue.*

**Debastabunt bona Testatoris**, Is a Writ lying against Executors, for paying Legacies and Debts without Specialties, to the prejudice of the Creditors that have Specialties, before the Debts on the said Specialties are due; for in this Case the Executors are as liable to Action, as if they had wasted the Goods of the Testator riotously, or converted them to their own use; and are compellable to pay such Debts by Specialty out of their own Goods, to the value of what they so paid illegally. For the orderly payment of Debts and Legacies by Executors, so as to escape a **Devastation** or charging their own Goods; See the *Office of Executors, ca. 12.*

**Debenerunt**, (*las*,) Is a Writ anciently directed to the Escheator, when any of the Kings Tenants, holding in *Capite*, dyed; and when his son and heir, within age, and in the Kings custody, dyed; then this Writ went forth, commanding the Escheator, that he, by the Oath of good and lawful men, enquire what Lands and Tenements, by the death of the Tenant, came to the King. See *Dyer, fol. 360. Pl. 4.* and *Keilways Rep. fol. 199. a.* Though this Writ in the sense aforesaid be disused, yet a new use of it is prescribed by Act of Parl. 14 Car. 2. ca. 11. Entitled, *An Act for preventing frauds, and regulating abuses in His Majesties Customs.*

**Debet**, (*Devestire*) Is contrary to *Invest*; for, as *Invest* signifies to deliver the possession of any thing; so **Devest** signifies the taking it away.

**Devise**, or **Divise**, (from the French, *Devise*, to confer, or converse with; or from *Diviser*, to divide, or sort into several parcels) Is properly that act, by which a Testator gives, or bequeaths his Lands or Goods, by his last Will in Writing. He who makes the **Devise** is called the **Devisor**; and he to whom the **Devise** is made, the **Devisee**. The words of a Will the Law interprets in a larger and more favourable sense than those of a Decree; For, if Land be **Devised** to a man, to have to him for ever, or to have to him and his Assignes; in these two Cases the **Devisee** shall have a Fee simple; but, *given* in the same manner by Feoffment, he has

but an Estate for term of life. So, if one **Devise** Land to an Infant in his Mothers Belly, it is a good **Devise**; but, 'tis otherwise by Feoffment, Grant or Gift, for in those Cases, there ought to be one of ability, to take presently, otherwise it is void. 14 Eliz. Dyer. 304. and *Coke on Litt. fol. 111.*

**Debitor of Cales**, (*Anno 2 Rich. 2. Stat. 1. ca. 3.*) Were the Customes due to the King, for Merchandise brought to, or carried out of **Cales**, when our Staple was there. — **Paying their Customes and Debitor to the King.** Anno 34 Ed. 3. ca. 18. **Debitor** in French signifies Duty.

**Devoce.** See *Divorce.*

**Dictum de Benelworth**, Was an Edict or Award, between King Henry the Third and all those Barons and others, who had been in Armes against him; and so called, because it was made at *Kenilworth-Castle* in *Warwickshire.* Anno 51 Hen. 3. containing a composition for the Lands and Estates of those who had forfeited them in that Rebellion.

**Dicker of Leather**, Is a quantity consisting of Ten Hides; The word probably comes from the Greek, *Deud*, which signifies Ten.

**Diem clausit extremum**, Was a Writ that Issued out of the Chancery, to the Escheator of the County, upon the death of any of the Kings Tenants in *Capite*, to inquire by a Jury, of what Lands he died seised, and of what value, and who was next heir to him. *Fitz. Nat. Br. fol. 251.*

**Dies**. In the Common-Law there are *Dies juridici*, & *Dies non juridici.* *Dies non juridici* are all Sundayes in the Year; and, in *Easter-Term*, the Feast of the Ascension of our Lord; in *Trinity Term*, the Nativity of St John Baptist; in *Michaelmas Term* the Feasts of *All Saints*, and *All Souls*; and, in *Hilary Term*, the Purification of the Blessed Virgin-Mary. And this was the Antient Law of England, and extends not only to Legal Proceedings, but to Contracts. 2 Part. Inf. fol. 264.

**Dies datus**, Is a Day, or time of Respite given to the Tenant or Defendant by the Court. *Brooke, tit. Continuance.*

**Dignitates**, (*dignitatus*,) Are those who are advanced to the Ecclesiastical dignity of Dean, Arch-deacon, Prebendary, &c. See 3 Part. Inf. fol. 155.

**Dieta rationabilis**, Is in *Bracon* used for a reasonable days journey. *Lib. 3. Tract. 2. ca. 16.*

**Dignity Ecclesiastical**, (*Dignitas Ecclesiastica*,) Is mention'd in the Stat. 26 Hen. 8. ca. 31 & 32. *ejusdem, ca. 13.* And is by the Canonists defin'd to be, *Administratio cum jurisdictione & potestate aliqua conjunta*; whereof you may read divers examples in *Deareque de Sacris Eccles. Ministris & Beneficiis, lib. 2. ca. 6.* Of Dignities and Prebends *Cam. reckons* in England 544. *Britan. pa. 161.*

**Dilapidation**, (*dilapidatio*,) A wastful spending, or destroying; or the letting Buildings run to ruine and decay for want of due reparation

paration. Anno 13 Eliz. ca. 10. Money recover'd for dilapidations shall be employ'd in repair of the same Houses. Anno 14 Eliz. ca. 11.

**Diocesis**, ( *diocesis*, from the Greek *dia* and *ikos*, ) signifies with us the Circuit of every Bishops Jurisdiction; for, this Realm hath two sorts of Divisions, one into Shires or Counties, in respect of Temporal Policy; another into *Dioceses*, in order to Jurisdiction Ecclesiastical, of which we reckon 22 in England, and 4 in Wales.

**Dimidietas**, The one half. *Sciant—quod ego Matilda filia Willielmi le Francensis dedi— Waltero de Sietton dimidietatem illius Burgagii, &c. sine dat. Ex libro Cart. Priorat. Lcoministr.*

**Disability**, ( *disabilitas*, ) Is, when a man is disabled, or made incapable, to inherit or take that benefit which otherwise he might have done; which may happen four ways; by the act of the Party, or his Ancestor; by the act of Law, or of God. *Disability* by the parties own act, is, If I bind my self, that upon surrender of a Lease, I will grant a new Estate to the Lessee, and afterwards I grant over my Reversion; In this case, though I afterwards repurchase the reversion, yet I have forfeited my Obligation, because I was once disabled to perform it. *Coke lib. 3. fol. 21.* Also if a Man be Excommunicated, he cannot, during that time, sue any Action, but shall be thereby disabled. *Coke lib. 8. fol. 69.* *Disability* by the act of an Ancestor, is, if a man be attainted of Treason or Felony; by this attainder, his blood is corrupt, and both himself and children disabled to inherit. *Disability* by the Act of Law is most properly, when a Man by the sole act of the Law is disabled; and so is an Alien born, who is disabled to take any benefit thereby. *Disability* by the Act of God, is, where a man is not of whole Memory, which disables him so, that in all cases, where he passeth any Estate out of him, it may, after his death, be disannull'd; for it is a Maxim in Law, That a Man of full Age shall never be receiv'd to disable his own person. *Coke lib. 4. fol. 123, 124.*

**Disalt**, Signifies as much as to disable. *Litton* in his Chapter of Discontinuance.

**Disarcatio**, An unloading. *Ex Codice M. S. in Turr. Lond.*

**Disboscatio**, A turning Wood-ground into Arable or Pasture, an affaring. See *Assart*.

**Disceit**. See *Deceit* and *Deceptions*.

**Discent**, ( Latin, *Discentus*. French *Descence*, ) An order or means whereby Lands or Tenements are derived unto any Man from his Ancestors; As to make his descent from his Ancestors, ( *Old Nat. Br. fol. 101.* ) is to shew how and by what particular degrees the Land in question came to him from his Ancestors. This Descent is either *Lineal* or *Collateral*; *Lineal Descent* is convey'd downward, in a right-line, from the Grandfather to the Father, and from the Father to the Son, and from the Son to the

Nephew, &c. *Collateral Descent* springs out of the side of the whole blood, as Grandfathers brother, Fathers brother, &c. If one die seized of Land (in which another has right to enter,) and it descends to his Heir, such descent shall take away the others right of entry, and put him to his Action for recovery thereof. *Stat. 32 Hen. 8. ca. 33. Coke on Litt. fol. 237.*

**Disclaimer**, ( from the French, *Clamer*, with the privative *Dis*, ) Is a Plea containing an express denial, renouncing, or disclaiming. As, if the Tenant sue a Replevin upon a Distress taken by the Lord, and the Lord Avow, saying, That he holds of him, as of his Lord, and that he Distreyned for Rent not paid, or Service not perform'd; then the Tenant, denying to hold of such Lord, is said to *Disclaimer*, and the Lord proving the Tenant to hold of him, the Tenant loseth his Land. Also if a man denying himself to be of the Blood or Kindred of another in his Plea, is said to *Disclaimer* his Blood. See *Coke on Litt. fol. 102.* and *Fitz. Nat. Br. fol. 197.* If a man Arraigned of Felony, *Disclaimer* Goods; being cleared, he loseth them. See *Broke, and New Book of Entries*, tit. *Disclaimer*: And *Stamf. Pl. Cor. fol. 186.* In Chancery, if a Defendant by his Answer *Disclaimer* the having any interest in the thing in question, this is also called a *Disclaimer*.

**Discontinuance**, ( *Discontinuatio*, ) Signifies an interruption, intermission, or breaking off; as *Discontinuance* of Possession, or of Process: The effect of *Discontinuance* of Possession is this, That a Man may not enter upon his own Land or Tenement alienated, whatsoever his right be to it, of his own self, or by his own authority, but must bring his Writ, and seek to recover Possession by Law: As if a Man alien the Lands he hath in right of his Wife, or if Tenant in Tail make any Feoffment, or Lease for Life, not warranted by the Stat. 32 Hen. 8. by Fine, or Livery of Seizin, such Alienations are called *Discontinuances*; which are indeed impediments to an Entry, whereby the true owner is left onely to his Action. See the *Institutes of the Common-Law*, ca. 43. and *Cokes Reports*, lib. 3. *Case of Fines*. The effect of *Discontinuance* of Plea, is, That the opportunity of Prosecution is lost, and not recoverable, but by beginning a new Suite; For to be *Discontinued*, and to be put without Day is all one, and nothing else but finally to be dismissed the Court for that instant. So *Crompton*, in his *Jurisdic. fol. 131.* useth it, in these words, If a Justice Seat be *Discontinued*, by the not coming of the Justices, the King may renew the same by his Writ, &c. In this signification *Fitz.* ( in his *Nat. Br.* ) useth it divers times, as *Discontinuance* of Corrody, fol. 193. a. To *Discontinue* the right of his Wife, fol. 191. L. and 193. L. *Discontinuance* of an Action, *Discontinuance* of an Assize, fol. 182. D. 187. B. Anno 31. Eliz. ca. 1. — 12 Car. 2. ca. 4. and 14 ejusdem, ca. 10. *Coke on Litt. fol. 325.*

**Disfranchise**, ( 14 Car. 2. ca. 31. ) To take

take away ones Freedom or Privilege; it is the contrary to *Enfranchise*, which vide.

**Disgrading or Degradation** ( *Degradatio* ) Is the punishment of a Clerk, who, being delivered to his Ordinary, cannot purge himself of the offence, whereof he was convicted by the Jury, and it is the privation or devesting of the Holy Orders which he had, as *Priesthood, Deaconship, &c.* *Stamf. Pl. Cor. fol. 130 & 138.* There is likewise the *Disgrading* of a Lord, Knight, &c. Sir *Andrew Harkley*, Earl of *Carlisle* was convicted, degraded, and attainted of Treason, *Hill. 18 Edw. 2. Coram Rege, Rot. 34, 35.* And by the Stat. 13 Car. 2. cap. 15. *William Lord Monson*, Sir *Henry Mildmay*, and others therein named, were degraded from all Titles of Honor, Dignities, and Preeminencies, and none of them to bear or use the Title of Lord, Knight, Esquire, or Gentleman, or any Coat of Arms for ever after, &c. By the Canon Law there are two sorts of *degrading*, one *Summary*, by word onely; the other, *Solemn*, by devesting the party degraded of those Ornaments and Rights, which are the Ensigns of his Order or Degree. See *Seidens Titles of Honor, fol. 787.*

**Disherit** ( Fr. *Desheritement* ) Is an old word, signifying as much as *Disinheriting*. It is used in the Statute of *Vouchers*, made 20 Edw. 1. Our Lord the King, considering his own damage and disherison of his Crown, &c. And in 8 Rich. 2. cap. 4.

**Disherit**. — The Sheriff shall forthwith be punished, as a Disherit of our Lord the King, and his Crown. Anno 3 Edw. 1. cap. 39. One that disinheriteth, or puts another out of his inheritance.

**Dismes** ( *Decima* ) Are Tythes, or the Tenth Part of all the Fruits, either of the Earth or Beasts, or our Labor, due to God; and consequently to him, who is of the Lords lot, and had his share, viz. our Pastor. Also the Tenth of all Spiritual Livings, yearly given to the Prince (called a *Perpetual Dism*, Anno 2 & 3 Edw. 6. cap. 35.) Which in ancient times were paid to the Pope, till he gave them to *Richard the Second*, to aid him against *Charles the French King*, and those others that upheld *Clement the Seventh* against him. *Pol. Virg. Hist. Angl. lib. 20.* Lastly, It signifies a tribute levied of the Temporality. *Holinshead in Hen. 2. fol. 111.*

**Disparagement** ( *Disparagatio* ) Was used especially for matching an Heir in Marriage under his or her degree, or against decency. See *Cowels Institutes*, tit. *De Nuptiis*, sect. 6. and *Coke on Litt. fol. 107. b.*

**Dispauper**, When any person by reason of his poverty, attested by his own Oath, of not being worth 5 l. his Debts being paid, is admitted to sue in *forma pauperis*; it afterwards, before the sute be ended, the same party have any Lands, or Personal estate fallen to him, or that the Court, where the sute depends, think fit, for that or other reason, to take away that privilege from him, then he is said to be *dis-*

paupered, that is, put out of the capacity of suing in *Forma Pauperis*.

**Distractionare**, Est contrarium ratiocinando asserere, vel quod assertum est ratiocinando destruere. We now call it *Traversare*, to *Traverse*. See *Gloss. in decem Scriptor. And Deraign*.

**Disseisin** ( Fr. *Disseisine*, not from *Disseis*, as *Cowel* mistakes it ) Signifies an unlawful dispossessing a Man of his Land, Tenement, or other immovable or incorporeal right. And how far this extends, see *Bracton, lib. 4. cap. 3.* Therefore the Assizes are called *Writs of Disseisin*, that lie against *Disseisors* in any Case, whereof some are termed little *Writs of Disseisin*, being *Viconnel*, that is suable before the Sheriff in the County Court, because determined by him without Assize. *Reg. of Writs, fol. 98.* As, for Nuisances of no great prejudice.

*Disseisin* is of two sorts, either *Simple Disseisin*, committed by day without force and arms, ( *Bracton, lib. 4. cap. 4.* *Britton, cap. 42, 43, 44.* ) Or *Disseisin by Force*, for which see *De Forc. and Fresh Disseisin*. See *Redisseisin* and *Post Disseisin*. See *Skene, verbo Disseisina*. How many ways *Disseisin* is committed, see *Fleta, lib. 4. cap. 1.* Sect. *Fis autem*; and when it is lawful, cap. 2. *Wrongful Disseisin* is no descent in Law. 32 Hen. 8. cap. 33.

**Disseisor**, Is he that disseiseth or puts another out of his Land: And *Disseisee* is he that is so put out. Anno 4 Hen. 4. cap. 7.

*Disseisorese*, Is she that disseiseth another. *Coke on Litt. fol. 357. b.*

**Distress** ( Fr. ) Signifies most commonly a Compulsion in certain Real Actions, whereby to cause a Man to appear in Court, or to pay Rent, or other duty denied; or it is the thing distreined. The effect whereof most commonly is, To compel the party Distreined to Replevy the Distress, and so take his Action of Trespas against the Distreiner, or else to compound neighborly with him for the Debt or Duty, for which he Distreins. There are divers things not distreinaible, as another Mans Gown in the House of a Tailor, or Cloth in the House of a Fuller, Sheerman, or Weaver: For they, being common Artificers, it is presumed such things belong not to themselves, but to others. *Virtual* is not distreinaible, nor *Corn* in Sheaves, unless they be in a Cart: For a Distress ought to be of such things, whereof the Sheriff may make Replevin, and deliver again in as good Case, as they were at the time of the taking. A Man may *Disfranch* for Homage of his Tenant, for Fealty, Escuage, and other services, and for Fines, and Amercements assessed in a Leet, but not in a Court Baron, and for Damage-tenant, &c. But not for Rent due for any Land, except upon the same Land charged therewith, &c. When one hath taken a *Distress*, it behoves him to bring it to the Common Pound, or he may keep it in an open place, so that he give notice to the party, that he (if the *Distress* be a Quick-beast) may give it

it food. See the Stat. *De districtione Scaccarii*, 51 Hen. 3.

**District**, is by *Britton*, cap. 71. divided into *Personal* and *Real*. *District Personal* is made by distraining a Mans movable Goods, and seising all the profits of his Lands and Tenements from the *Tesle*, or date of the Writ, for the Defendants contempt, in not appearing to an Action brought against him, after he was Summoned or Attached; and the Issues so returned by the Sheriffs, are forfeited to the King, and Estreated into the *Exchequer*.

**District Real**, is made upon immovable Goods. This differs from an *Attachment* in this (among others) that it cannot be taken by any common person, without the compass of his own Fee; except it be presently after the Cattle, or other thing, is driven or born off the Ground, purposely to avoid the *District*. *Fitz. Nat. Br.* fol. 904. See *Attach.* and the Stat. 17 Car. 2. cap. 7.

**District** is also divided into *Finite* and *Infinite*; *Finite* is that which is limited by Law, how often it shall be made to bring the party to trial of the Action, as once, twice, &c. *Old Nat. Br.* fol. 43. *District infinite*, is without limitation, until the party come; as against a Jury, which refuseth to appear upon Certificate of Affise, the Process is *Venire facias*, *Habeas corpus*, and *District infinite*. *Old Nat. Br.* fol. 113. Then it is divided into a *Grand District* (*Anno* 52 Hen. 3. cap. 7.) which *Fitzherbert* calls *Magnam Districtionem*, and an *Ordinary District*. A *Grand District* is that which is made of all the Goods and Chattels that the party hath within the County. *Britton*, cap. 26. fol. 52. But see whether it be not sometimes all one with a *District infinite*. *Idem*, fol. 80. With whom also the Statute of *Marlbridge* seems to agree. *Anno* 52 Hen. 3. cap. 7, 9 & 12. See *Grand District* and *Attachment*.

**District (Districtus)** Is the place in which a Man hath the power of distraining, or the Circuit or Territory wherein one may be compelled to appear. *Britton*, cap. 120. Where we say, *Hors de son Fee*, others say, *Extra districtum suum*.

**Distringas**, Is a Writ directed to the Sheriff, or any other Officer, commanding him to Distrain one for a Debt to the King, &c. or for his non appearance at a day. See great diversity of this Writ in the Table of Register, *Judic. verbo Distringas*. This was sometimes of old called *Constringas*, as appears by this Writ in *Henry* the First or second days. *Lib. Ramef. f. 227*. *Henricus Rex Anglia hominibus Abbatibus de Ramef. salutem. Precipio quod cito & iuste reddatis Abbatibus Dominis vestris, quicquid ei debetis in censu, & firma, & debitis, & placis, sicut iuste monstrare poteris quod ei debeatis. Quod si nolueritis, ipse vos inde contringat per pecuniam vestram. Teste Cancellario, apud Gloucester. By Pecuniam vestram, in those days was understood *Bona & cavalla*.*

**Dividend**, in the *Exchequer* seems to be one

part of an Indenture. *Anno* 10 Edw. 1. cap. 11. and 28 *Ejusdem*, Stat. 3. cap. 2.

**Dividend** in the University, is that share or part, which every one of the Fellows does equally and justly divide, either by an Arithmetical or Geometrical Proportion of their Annual stipend.

**Divise**. See *Devise*.

**Divorce** (*Divortium à divertenda*) Is a Separation of two; *de facto* married together; of which, there be two kinds, one *A Vinculo Matrimonii*; the other, *A mensa & thoro*. The Woman divorced, *A Vinculo Matrimonii* receives all again that she brought with her. This only arises upon a nullity of the marriage, through some essential impediment, as Consanguinity or Affinity within the degrees forbidden, Precontract, Impotency, &c. Of which Impediments, Divines reckon fourteen, comprehended in these Verses,

Error, Conditio, Votum, Cognatio, Crimen,  
Cultus, Disparitas, Viti, Ordo, Ligamen, Honestas,  
Si sis affinis, Si forte coire nequibus,  
Si Parochi & duplici desit presentia testis,  
Raptave sit mulier, nec parvis reddita tuta.

**Divorce**, Is a Judgment Spiritual, wherefore, if there be occasion, it ought to be reversed in the Spiritual Court. See *Coke*, lib. 7. *Kennes Case*. *Idem*, lib. 5. fol. 98. And on *Litt.* fol. 235.

In the Old Law, the Woman divorced was to have of her husband a writing (as *S. Jerome* and *Josephus* testify) to this effect, *I promise, that hereafter I will lay no claim to thee*; which was called *A Bill of Divorce*.

**Docket**, Is a Brief in Writing. *Anno* 2 & 3 Ph. & Ma. cap. 6. *West* writes it *Dogget*, by whom it seems to be some small pece of Paper or Parchment, containing the effect of a greater Writing. *Symbol. par. 2. tit. Fines*, f. 106.

**Do do Law (Facere Legem)** Is as much as to make Law. *Anno* 23 Hen. 6. cap. 14. See *Make*.

**Dogdrow**, Is a manifest deprehension of an Offender against Venison in a Forest, when he is found *draving* after a Deer by the scent of a Hound, led in his hand. There are four of these noted by *Manwood*, par. 2. cap. 18. num. 9. viz. *Strablestand*, *Dogdrow*, *Wack bear*, and *Woodhand*.

**Dogger**, A kinde of little Ship. *Anno* 31 Edw. 3. stat. 3. cap. 1. — All the Ships called *Doggers* and *Landships*, &c.

**Doggerfish**. *Ibidem*, cap. 2. Seems to be Fish brought in those Ships to *Blackness Haven*, &c.

**Dogger-men** (25 Hen. 8. cap. 4.) Sea-men that belong to *Dogger-ships*.

**Dogget**. See *Docket*.

**Doithin**, Was a kinde of base Coyn of small value, prohibited by the Stat. 3 Hen. 5. cap. 1. Hence we still retain the phrase, *Nat worth a Doithin*.

**Dole**

**Dole** (*Dola*. Sax. *doel*. Pars, portio, a *doelan*, *dividere*, *distribuer*) Is a part or portion most commonly of a Meadow, so called to this day. As *Dole-Meadow* (*Anno* 4 Jac. cap. 11.) where several persons have shares. *In le Suthmede* (i. *prato australi*) habet Prior per sortem illam que vocatur *Crunddorppe*, tres Dolas, scilicet fors illa cadit. Et in qualibet Dola, habet 4 Polas, sive octo andenas (i. *Stoaths*) jacentes simul. *Lib. Priorat. Dunstable*, cap. 5.

**Dolefish**, Seems to be that Fish, which the Fisher-men, yearly employed in the North-Seas, do of Custom receive for their allowance or shares. See the Stat. 35 Hen. 8. cap. 7.

**Dolg-bore** (Sax.) A recompence, amends, or satisfaction made for a Scar or Wound. Sax. *Diht. LL. Aluredi Regis*, cap. 23. **Dolgbot** legitur.

**Dome-hoc** (Sax.) *Liber judicialis*. *Legg. Edwardi Regis senioris*, cap. 8. Bete ppa Dome-hoc tace, i. Compenset sicut *Liber judicialis* statuerit. Some Book of Statutes or Decrees proper to the English Saxons; such haply as that wherein the Laws of former Saxon Kings were contained. That Chapter seeming to refer to the Laws of King *Ina*, cap. 29.

**Domesday** or **Domesdei** (*Liber Judicarius*, aliis *Censualis Anglia*) Comes from the Saxon Dom, i. Judgment, not *Domus Dei*, (as some Authors have it) is a Book, which now remains in the *Exchequer*, containing two great Volumes; It was made in *William* the Conquerors time, according to *Camden* in his *Britannia*, who proves it out of *Ingulphus*, that flourished in the same time; and whose words are, *Totam terram descripsit, nec erat Hyda in tota Anglia, quin valorem ejus & possessorem scivit, nec lacus, nec locus aliqui, quin in Regis Rotulo extitit descriptus, ac ejus redditus & provenus, ipsa possessio & ejus possessor Regia notitie manifestatus, juxta taxatorum fidem, qui electi de qualibet patria territorium proprium describebant. Iste Rotulus vocatus est Rotulus Wintonia, & ab Anglia, pro sua generalitate, quod omnia tenementa totius terra continuit, Domesday cognominatur. So it is called in the Stat. 1 Rich. 2. cap. 6. And in *Ockams Lucubrations de fisci Regis ratione*, which seems to be taken out of *Liber Rubens*, in the *Exchequer*.*

It is called *Liber Judicarius*; *Quia in eo totius Regni descriptio diligens continetur, singulorumque fundorum valentia exprimitur*: And **Domesday** (as *Gervaf. Tilbur.* says) Non quod in eo de prepositis aliquibus dubis feratur sententia, sed quod a predicto Judicio non liceat ulla ratione discedere. It was begun in the year 1081. and finished 1086. *Camden* calls it *Gulielmi librum Censualem*, the Tax-Book of *William*. See more, if you please, in *Spelm. Gloss.* and 4 *Inst.* fol. 269. I finde it also written **Domesdey**, in an ancient Record.

**Domicellus** and **Domicella**. *John* of *Gaunt*, Duke of *Lancaster*, had by *Katherine Swinford*, before marriage, four illegitimate Children, viz. *Henry*, *John*, *Thomas*, and *Joan*; and, because they were born at *Beaufort* in

*France*, they were vulgarly called *Henry de Beaufort*, &c. *John* before 20 Rich. 2. was Knighted, and *Henry* became Priest. At the Parliament holden 20 Rich. 2. the King, by Act of Parliament in form of a Charter, did legitimate these Children. Rex — *Charissimi consanguinei nostri nobilibus viris Johanni Militi, Henrico Clerico, Thomae Domicello ac dilectis nobis nobili mulieri Johanne Beaufort Domicella, Germanis præclarissimi Avunculi nostri, Johannis Ducis Lanc. natu ligeis nostris, salutem, &c. Teste Rege apud Westm. 9. die Febr. per ipsum Regem in Parlamento*. In this Act (says Sir *Edw. Coke*, 4 *Inst.* fol. 37.) the said *Thomas*, before his Legitimation, could not be called *Esquire*; and therefore had the Addition *Domicello*, derived of the French word *Domicel*, which (says he) signifies a young Soldier not yet Knighted, or nobly born, &c. which is a mistake; for there is no such French word as *Domicel*, but *Damoisel*; nor can *Domicellus* properly be derived from thence, but is an obsolete Latin word, and anciently given as an Appellation or Addition to the Kings (natural) Sons in *France*, and sometimes to the eldest Sons of Noblemen there; from whence, doubtless, we borrowed the words. See *Spelm. Gloss. verbo Domicellus*. *Tidemannus* permittit *one Divina Wigorn. Episcopus dilectio in Christo filio Johanni de Fulwode nostro Disc. Domicello, salutem*. — Dat. 7 Febr. 19 Rich. 2. Here it is used to a private Gentleman, as Lord of a Mannor.

**Dominica in Ramis Palmarum**, Palm-Sunday. *Md. quod ego Henricus de Erdington feci Homagium & fidelitatem Domino Will. de Stafford apud Bromslovi in Com. Staff. die Mercurii prox. ante Dominicam in Ramis Palmarum, Anno Regni Regis Edw. xxiii. pro terris & tenementis qua teneo in villa de Hunstonsate in Com. War. &c.*

**Domo Reparanda**, Is a Writ that lies for one against his neighbor, by the fall of whose House, he fears damage to his own. *Reg. of Writs*, fol. 153. In which Case, the Civilians have the Action *De damno infecto*.

**Donative** (*Donativum*) Is a Benefice merely given and collated by the Patron to a Man, without either Presentation to, or Institution by, the Ordinary, or Induction by his command. *Fitz. Nat. Br.* fol. 35. E. See the Stat. 8 Rich. 2. c. 4. And where a Bishop hath the gift of a Benefice, it is properly called a *Donative*, because he cannot present to himself. *Petrus Gregorius, de Beneficiis*, cap. 11. num. 1. hath these words. — *If Chappels founded by Laymen, were not approved by the Diocesan, and (as they term it) spiritualized, they are not accounted Benefices, neither can they be conferred by the Bishop, but remain to the pious disposition of the Founders; wherefore the Founders and their Heirs, may give such Chappels, if they will, without the Bishop*. *Gavin* in the Preface to his *Readings*, saith, That the King might of ancient time, found a Free-Chappel, and exempt it from the jurisdiction of the Diocese: So also may he,

he, by his Letters Patent, give Licence to a common person to found such a Chappel, and make it *Donative*, not prefentable; and that the Chaplain shall be deprivable by the Founder, or his Heir, and not by the Bishop, which seems to be the original of *Donatives* in England. *Fitzherbert* saith, fol. 93. That there are some *Chantries* which a Man may give by his Letters Patent. All Bishopricks were, in ancient time, *Donative* by the King. *Coke*, lib. 3. fol. 75.

**Donor**, Is he who gives Lands or Tenements to another in Tail; and *Donee* is he to whom the same are given.

**Dom** (Sax. *dom*) A Judgment, Sentence, Ordinance, or Decree; also fence or signification. *Substantiva quedam* (says Mr. *Somner*) *exerunt in Dom, ubi compositionis gratia videtur appositum, & quandoque munus denotat vel Officium, item Ditionem & Dominium, ut in Kingdom, Earldom, &c. — Habeat Grithbriche & Forpal, & Dom, & Som, & Wreche in Mari.* Mon. Angl. 1. par. fol. 284. a.

**Dorture** (*Dormitorium*) Is the Common Room or Chamber where all the Religious of one Convent slept and lay all night. *Anno 25 Hen. 8. cap. 11.*

**Dote Assignanda**, Is a Writ that lay for a Widow, where it was found by Office, That the Kings Tenant was seized of Tenements in Fee or Fee-tail, at the day of his death; and that he held of the King in Chief, &c. In which Case, the Widow came into the Chancery, and there made Oath, That she would not marry without the Kings leave. *Anno 15 Edw. 3. cap. 4.* And hereupon she had this Writ to the Escheator, for which, see Reg. of Writs, fol. 297. and *Fitz. Nat. Br.* fol. 263. These Widows are called the Kings Widows. See *Widow*.

**Dote unde nihil habet**, Is a Writ of Dower that lies for the Widow, against the Tenant, who bought Land of her Husband in his life time, whereof he was solely seized in Fee-simple or Fee-tail, in such sort, as the issue of them both might have inherited. *Fitz. Nat. Br.* fol. 147.

**Dotis Admensuratione**. See *Admensurement*, and Reg. of Writs, fol. 171.

**Doubles** (*Anno 14 Hen. 6. cap. 6.*) Significant as much as Letters Patent, being a French word made of the Latin *Diploma*.

**Double Plea** (*Duplex Placitum*) Is that wherein the Defendant allegeth for himself two several matters, in Bar of the Plaintiffs Action, whereof either is sufficient to effect his desire, which shall not be admitted for a Plea. As, if a Man allege several matters, the one nothing depending upon the other, the Plea is accounted *Double*, and not admissible; but, if they be mutually depending each of other, then is it accounted single. *Kitchin*, fol. 223. See *Brook*, hoc tit. And Sir *Tho. Smith* gives this reason why such *Double Plea*, is not admitted by our Law; because the tryal is by Twelve rude Men, whose Heads are not to be

troubled with over many things at once. *Lib. 2. de Rep. Angl. cap. 13.*

**Domus Convertertorum**. See *Rolls*.

**Domus Dei**, The Hospital of *S. Julian* in Southampton, so called. *Mon. Angl. 2 par. fol. 440. b.*

**Double Quarrel** (*Duplex Querela*) Is a Complaint made by any Clerk, or other, to the Archbishop of the Province, against an Inferior Ordinary, for delaying Justice in some Cause Ecclesiastical; as to give Sentence, Institute a Clerk presented, or the like; and seems to be termed a *Double Quarrel*, because it is most commonly made against both the Judge and him, at whose sute Justice is delayed. *Cowels Interp.*

**Dowager** (*Dotata*) A Widow endowed, or that hath a Jointure; a Title or Addition, applied in general to the Widows of Princes, Dukes, Earls, and Persons of Honor onely.

**Dower** (*Dos & Dotarium*) The first (*Dos*) properly signifies that which the Wife brings her Husband in Marriage, otherwise called *Maritagium*, Marriage Goods. The other, (*Dotarium* or *Dotarium*) that Portion of Lands or Tenements, which she hath for term of her life from her Husband, if she out-live him. *Glanville*, lib. 7. cap. 1. *Bracton*, lib. 2. cap. 38. *Britton*, cap. 101. in *Princip.* Some Authors have for distinction, called the First a *Dowry*, and the other a *Dower*, but they are often confounded. Of the former our Law-books speak little, of the later, there are five kinds, viz.

1. *Dower per Legem Communem*
2. *Dower per Consuetudinem*
3. *Dower ex Assensu Patris*
4. *Dower ad Officium Ecclesie*
5. *Dower de la Plus Bele*

**Dower by the Common Law**, Is a Third Part of such Lands, as the Husband was sole seized of in Fee, during the Marriage, which the Wife is to enjoy, during her life; for which, there lies a Writ of Dower. *Dower by Custom*, gives the Wife, in some places, half her Husbands Lands, so long as she lives sole, as in *Gavelkind*: And as *Custom* may enlarge, so may it abridge *Dower*, and restrain it to a fourth part. *Ex Assensu Patris, ad Officium Ecclesie*, the Wife may have so much *Dower*, as shall be so assigned or agreed upon, but it ought not to exceed a third part of the Husbands Lands. *Glanv. lib. 6. cap. 1.* And if it be done before Marriage, it is called a *Joynure*. *Dower de la Plus Bele*, Is when the Wife is endowed of the fairest, or best part of her Husbands Estate. See *Coke on Littl.* fol. 33. b. *Romanis non in usu fuit uxoris Dotes retribuere, ideo verbo genuino carent quo hoc dignoscitur; & rem ipsam in Germanorum moribus miratur Tacitus. Dotem, (inquit) non uxor Marito, sed uxori Maritus affert.* Spelm.

To the consummation of *Dower* three things are necessary, viz. Marriage, Seizin, and the Husbands death. *Binghams Case*, 2 Rep. If the Wife

Wife be past the age of nine years at the death of her Husband, she shall be endowed; If a Woman elope, or go away from her Husband with an Adulterer, and will not be reconciled, she loseth her *Dower*, by the Stat. of *Westm.* 2. ca. 34. 2 Part Inst. fol. 433.

*Canden* (in his *Brit. Hist. Suffex.*) relates this memorable Case, (out of the Parl. Records, 30 Edw. 1.) Sir *John Camois*, son of the Lord *Raph Camois*, of his own free-will gave and demised his own Wife *Margaret*, Daughter and Heir of *John de Gaidesden*, unto Sir *Will. Panell* Knight; and, unto the same *William*, Gave, Granted, Released, and Quit-claimed all her Goods and Chartels, &c. So that neither he himself, nor any Man else in his Name, might make Claim, or ever Challenge any Interest in the said *Margaret*, or in her Goods or Chartels, &c. By which Grant, when she demanded her *Dower* in the Mannor of *Torpull*, part of the Possessions of Sir *John Camois* her first Husband, there grew a Memorable Sute in Law, but wherein she was overthrown, and Judgment pronounced, That she ought to have no *Dower* from thence, upon the Stat. of *Westm.* 2. Quia recessit a marito suo in vita sua, & vixit ut Adultera cum predicto *Gualielmo*, &c. This Case is cited also in 2 Inst. fol. 435.

Of *Dower* Read *Fleta*, who Writes largely and Learnedly of it, Lib. 5. ca. 22. & seq.

Among the Jews, the Bridegroom, at the time of the Marriage, gave his Wife a *Dowry Bill*, the Form whereof you may see in *Moses and Aaron*, pa. 235.

**Dozein**, (*Decenna*,) In the Stat. for view of *Frankpledge*, made 18 Ed. 2. one of the Articles for Stewards in their Leets to enquire of, is; If all the Dozeins be in the Asteze of our Lord the King, and which not, and who received them. Art. 3. See *Deciners*. Also there is a sort of *Devonshire Kerfies*, called *Dozens*. *Anno 5 & 6 Ed. 6. ca. 6.*

**Drags**. *Anno 6 Hen. 6. ca. 5.* seem to be Wood or Timber, so joyned together, as that, swimming or floating upon the Water, they may bear a burden or load of other Wares down the River.

**Dratwatches**. *Anno 5 Edw. 3. ca. 14.* and 7 Rich. 2. ca. 5. *Lamb.* (in his *Eiren. lib. 2. ca. 6.*) calls them *Miching Thieves*; as *Wassers* and *Roberds-men*, mighty Thieves; saying the Words are grown out of use.

**Dreit-Dreit**, Signifies a double-right, that is, *Two possessions & Jus Domini*. *Bracton lib. 4. ca. 27.* and lib. 4. *Tract. 4. ca. 4.* and lib. 5. *Tract. 3. ca. 5.* *Coke on Littl.* fol. 266.

**Drenches**, or **Drenges**, (*Drengi*) Were Tenants in *Capite*, says an ancient M.S. *Domesday Tit. Lestrefc.* Roger. *Pictaviens.* Neuton. *Hujus Manerii aliam terram 15 homines quos Drenches vocabant, pro 15 Maneriis tenebant.* They were (*sayes Spelman*) a genere *vassalorum non ignobilium, cum singuli qui in Domesd. nominantur singula possiderent Maneria.* Such as at the coming in of the Conqueror, being put out of their Estates, were afterward, upon

complaint unto him, restored thereunto; for that they being before owners thereof, were neither in auxilio or consilio against him: of which number was *Sharneburne* of *Norfolk*. Sir *Edward Coke*, on *Littl.* fol. 5. b. *sayes*, *Drenches* are Free-Tenants of a Mannor: misprinted doubtless for *Drenches*. In *Cuckney manebat quidam homo, qui vocabatur Gamibere, & fuit verus Drengbe ante Conquestum, tenuit duas Carucatas terre de Domino Rege in Capite, pro tali servicio, de ferrando Palefridum Dom. Regis super quatuor pedes de Cluavio Dom. Regis, quotiescunque ad Manerium suum de Mansfeld jacuerit, & si inclaudet Palefridum Domini Regis, dabit ei Palefridum quatuor Mercarum.* Mon. Angl. 2. p. fol. 598. a.

**Drengage**, (*Drengagium, vel servitium Drengarii*,) The Tenure by which the *Drenches* held their Lands, of which see *Trin.* 21 Ed. 3. *Ebor. & Northamb.* Rot. 191. Notandum est, eos omnes eorumve antecessores, qui e Drengorum classe erant, vel per Drengagium tenere, sua incoluisse patrimonialia ante adventum Normannorum. *Spelm.*

**Drie Exchange**, (*Anno 3 Hen. 7. ca. 5. (Cambium siccum)*,) Seems to be a cleanly term, invented for the disguising foul Usury; in which something is pretended to pass on both sides, whereas in truth nothing passeth but on the one side, in which respect it may well be called *Dry*. Of this *Lud. Lopes tract. de Contrah. & Negotiat. lib. 2. ca. 1. Sect. D.* *Unde postquam*, writes thus, *Cambium est reale vel siccum; Cambium reale dicitur, quod consistitiam veri Cambii realem habet, & Cambium per trans, & Cambium minutum. Cambium autem siccum est Cambium non habens existentiam Cambii, sed apparentiam ad instar arboris exsiccate, qua humore vitali jam carens, apparentiam arboris habet, non existentiam.*

**Drie rent**, rent seck. See *Rent*.

**Drift of the Forest**, (*Agitatio animalium in Foresta*,) Is an exact View, or Examination, what Cattel are in the Forest, that it may be known whether it be over-charged or not, and whose the Beasts are; and, whether they are Commonable Beasts &c. When, how often in the Year, by whom, and in what manner this Drift is to be made, See *Manwood*, Part. 2. ca. 15. and 4 Inst. fol. 309.

**Drinklean**, (*Sax. opine-lean*,) In some Records written *Potura Drinklean*; Is a Contribution of Tenants towards a Potation, or an Ale provided to entertain the Lord, or his Steward; a *Scot-ale*.

**Droffennes**, — *Quod Dominus debet habere Droffennes arbores de crescentia xl. annorum & infra.* *Kanc. Pasch. 44 Edw. 3. quare.* **Droffenn**, (among our Saxons) signified a Grove, or Woody place, where Cattel were kept; and, the Keeper of them was called **Droffman**.

**Droffland**, or **Dryffland**, (from the Sax. *opryene, i. Driven*,) Was antiently a Quit-rent, or Yearly payment made by some Tenants to their Landlords, for driving their Cat-



rel through the Mannor to Faïres and Markets. Mr. Philips *Mistaken Recompence*, fol. 39.

**Droit**, (French, *Droit*.) In Law there are six kinds of it, viz.

1. *Jus recuperandi.*
2. *Jus intrandi.*
3. *Jus habendi.*
4. *Jus retinendi.*
5. *Jus percipiendi.*
6. *Jus possidendi.*

All these several sorts of rights, following the relations of their objects, are the effects of the Civil Law. *Vide Coke on Littl.* fol. 266 & 245. b. — Of meer *droit*, and very right. Anno 27 H. 8. ca. 26.

**Droit de Abbatozen.** See *Reſto de Advocatione Ecclesiæ.*

**Droit cloſe.** See *Reſto clauſum.*

**Droit de Doloze.** See *Reſto doli.*

**Droit ſur diſclaimer.** See *Reſto ſur diſclaimer.*

**Droit patent.** See *Reſto patens* and *Calthrop's Rep.* fol. 132.

**Duces tecum.** Is a Writ, commanding one to appear at a day in the Chancery, and to bring with him ſome Evidences, or other thing which the Court would view. Which is alſo granted, where a Sheriff, having in his cuſtody a Priſoner in an Action Perſonal, returns, upon a *Habeas Corpus*, that he is *adeo languidus*, that, without danger of death, he cannot have his Body before the Juſtices. See *New Book of Entries* on this Word.

**Duell**, (Duellum, according to *Flata*.) *Eſt ſingularis pugna inter duos ad probandam veritatem litæ.* & qui vicerit, probaſſe intelligitur, &c. *Stat. de Finibus levatis*, 27 Edw. 1. The trial by *Duel*, *Combat*, or *Campſight*, in doubtful Caſes is now diſuſed, though the Law on which it was grounded be ſtill in force. See 3. *Part. Inſt.* fol. 221. and ſee *Combat*. Per libertatem habere duellum, *Johannes Stanley Ar. clamat*, quod ſi aliquis placetaverit aliquem de libero tenemento in Curia ſua de *Aldford* per breve Domini Comitæ de reſto patent. tenere & terminare prædictum placitum per duellum, prout jus eſt per Communitatem legem. *Plac. in Itin.* apud *Ceſtriam* 24 Hen. 7.

*Stephanus de Narbona omnibus* — *Sciatis me dedidiſſe Willielmo filio Radulphi de Filungele pro homagio & ſervicio ſuo, & propter Duellum quod fecit pro me, — Duas virgatas terre, —* *Sine Dat. M. S. penes Will. Dugdale, Ar.*

**Duke**, (Lat. *Dux*, Fr. *Duc*.) Signified among the ancient Romans, *Duſſores exercitus*, ſuch as Led their Armies; ſince which they were called *Duces*, to whom the King committed the Cuſtody or Regiment of any Province. In ſome Nations at this day the Sovereigns of the Country are called by this Name, as *Duke of Ruſſia*, *Duke of Savoy*, &c. In *England* *Duke* is the next in Secular Dignity to the Prince of Wales; And, (as *Camden* ſays,) Heretofore in the Saxons time, were called *Dukes*, without any addition, being meer Offi-

cers and Leaders of Armies. After the Conqueror came in, there were none of this Title till Edward the Third's dayes, who made Edward his Son *Duke of Cornwall*, after which there were more made, in ſuch ſort, as their Titles deſcended to their Poſterity; They were created with Solemnity *per cincturam gladii*, *Cappaque & circuli aurei in Capite-impoſitionem.* *Vide Cam. Britan.* p. 166. *Zaxium de feudis*, pa. 4. Num. 7. *Caffan. de Conſuetud. Burg.* pa. 6 & 10. And Ferns *Glory of generoſity*, pa. 136.

**Dutche-Court**, Is a Court wherein all matters appertaining to the Dutche, or County-Palatine of *Lancaſter* are decided by the decree of the Chancellor of that Court; the Original of it was in Henry the Fourth's dayes, who, obtaining the Crown by Depoſing Richard the Second, and having the Dutche of *Lancaſter* by Deſcent, in Right of his Mother, was ſeized thereof as King, and not as Duke; So that all the Liberties, Franchiſes and Jurifſdictions of the ſaid Dutche paſſed from the King by his Great Seal, and not by Livery or Attournement, as the Poſſeſſions of *Everwick*, the Earldom of *March*, and ſuch others did, which had deſcended to the King by other Anceſtors then the Kings; But, at laſt, Henry the Fourth, by Authority of Parliament, paſſed a Charter, whereby the Poſſeſſions, Liberties, &c. of the ſaid Dutche were ſever'd from the Crown; yet Henry the Seventh reduced it to its former nature, as it was in Henry the Fifth's dayes. *Crom. Jar.* fol. 136.

The Officers belonging to this Court, are, the Chancellor, *Attorney*, *Receiver-General*, *Clerk of the Court*, *Meſſenger*: Beſides which, there are certain Aſſiſtants, as one *Attorney* in the Exchequer, one *Attorney* of the Dutche in Chancery, four Perſons learned in the Law, retained of Council with the King in the ſaid Court; whereof *Gwin*, (in Preface to his *Readings*,) ſpeaks thus; It grew out of the grant of King Edward the Third, who gave that Dutche to his Son John of Gaunt, and endowed it with ſuch Royal Right, as the County Palatine of *Cheſter* had. And, for as much as it was afterward extinct in the Perſon of King Henry the Fourth, by reaſon of the Union of it with the Crown, the ſame King (ſuſpecting himſelf to be more rightfully Duke of *Lancaſter*, then King of *England*;) determined to ſave his Right in the Dutche, whatever ſhould befall the Kingdom; and therefore he ſeparated the Dutche from the Crown, and ſetled it ſo in the natural Perſons of himſelf and his Heirs, as if he had been no King or Politic Body at all; In which condition it continued, during the Reign of Henry the Fifth, and Henry the Sixth, that deſcended from him; But, when Henry the Fourth had, (by recovery of the Crown,) re-continued the Right of the Houſe of *Tork*, he feared not to appropriate that Dutche to the Crown again; yet ſo, that he ſuffer'd the Court and Officers to remain as he found them; In which manner it came, together with the Crown, to Henry the Seventh, who, liking well of Henry

Henry the Fourth's Policy, (by whose Right alſo he obtained the Kingdom,) made a like ſeparation of the Dutche, and ſo left it to his Poſterity, who ſtill enjoy it. *Cowel.*

**Dum ſuit infra ætatem**, Is a Writ, which lies for him, (who, before he came to full age, made a Feoffment of his Land,) to recover it again from the Vendee. *Fitz. Nat. Br.* fol. 192.

**Dum non ſuit compos mentis**, He, who being not of ſound Memory, and Aliens any Lands or Tenements, may have this Writ againſt the Alienec. *Fitz. Nat. Br.* fol. 202.

**Duplicat**, Is uſed by *Crompton* for a ſecond Letters Patent, granted by the Lord Chancellor, in a Caſe wherein he had formerly done the ſame, and was therefore thought void. *Crom. Juvid.* fol. 215. Alſo a ſecond Letter written and ſent to the ſame party and purpoſe, as a former, for fear of a miſcarriage of the firſt, or for other reaſon, is called a *Duplicat*. The word is uſed 14 Car. 2. ca. 10.

**Dureſſa**, (*Duriſa*;) Is, where one is kept in Priſon, or reſtrained of his Liberty, contrary to the Order of Law; or threatened to be kill'd, mayn'd, or beaten: And, if ſuch perſon, ſo in Priſon, or in fear of ſuch Threats, make any Specialty, or Obligation, by reaſon of ſuch Imprifonment, or Threats, ſuch Deed is void in Law: and, in an Action brought upon ſuch Specialty, the Party may Plead, That it was made by *Dureſſa*; and ſo avoid the Action. Broke in his *Abridgment* joyneth *Dures* and *Manaffe* together, i. *duriſiam & minas*; hardſhip, and threatnings.

**Dyke-reebe**, A Bailiff, or Officer, that has the care and overſight of the *Dykes* and *Draines* in *Doſping-Fens*, &c. mentioned Anno 16 & 17 Car. 2. ca. 11.

## E.

**Ealderman, or Ealdorman**, (*Alderman*, *nu*) Among the Saxons, was as much as Earl among the Danes. *Cam. Britan.* pa. 107. Alſo, an Elder, Senator or States-Man; and, at this day we call them *Aldermen*, who are Aſſociates to the Chief Officer in the Common-Council of a City, or Borough-Town. 24 H. 8. ca. 13. Sometimes the Chief Officer himſelf is ſo called. See *Alderman*.

**Earl**, (Sax. *Eophl*, *Comes*.) This Title, in ancient times, was given to thoſe, who were Aſſociates to the King in his Councils, and Martial-Actions; And, the manner of their Inveſtiture into that Dignity, was, *Per cincturam gladio Committas*; without any Formal Charter of Creation. See Mr. *Dugdale's Warwickſhire*, fol. 302. But, the Conqueror, (as *Camden* notes) gave this Dignity, in Fee, to his Nobles, annexing it to this or that County, or Province; and, allotted them, for their Maintenance, a certain proportion of Money

ariſing from the Princes Profits, for the Pleadings, and Forfeitures of the Provinces: For example, he brings an ancient Record in theſe words; *Henricus 2. Rex Angliæ, bis verbis Comitum creavit; Sciatis nos feciſſe Hugonem Bigot Comitem de Norf. &c. de tertio denario de Norwic. & Northfolk; ſicut aliquis Comes Angliæ ſibiſius Comitatum ſuum tenet.* About the Reign of King John, and ever ſince, our Kings have made *Earles* by their Charter, of this or that County, Province, or City; but, of late, giving them no Authority over the County, nor any part of the Profits ariſing by it; onely ſome Annual Fee out of the Exchequer, &c. The manner of their Creation is, by Girding them with a Sword. *Cam. pa.* 107. but, ſee the Solemnity deſcribed more at large in *Stowes Annals*, pa. 1121. Their place is next to a Marquis, and before a Viſcount. *Comitatus a Comite dicitur, aut vice verſa.* See more on this Subject in *Spelman's Gloſſ.* verbo *Comites*; and in *Seldens Titles of Honour*, fol. 676. and ſee *Countee*.

**Eaſement**, (*Aſſiſamentum*, from the French, *Aſſe*. i. *commoditas*;) Is a Service, or Convenience, which one Neighbour has of another by Charter, or Preſcription, without Profit; as, a Way through his Ground, a Sink, or ſuch like, *Kitchin*, fol. 105. Which, in the Civil-Law is called *Servitus prædii*. — *Præcipias R. quod juſte & ſine dilatione permittat habere H. aſſiſimenta ſua in Boſco & in paſtura de villa illa, &c.* Breve Regium vetus, apud *Glanvil.* lib. 12. ca. 14.

**Eberemurder**, (Sax. *ebeſe-morþ*.) *Aperum Murdrum*; Was one of thoſe Crimes, which, by Henry the Firſt's Laws, ca. 13. *Emendari non poſſunt.* Hoc ex ſcelerum genere fuit, nullo pretio, (etiam apud Saxones noſtros,) expiabilem, cum alia licuit pecuniis commutare. *Spelman.*

**Eccleſia**, (Lat.) Is moſt uſed for that place where Almighty God is Served, commonly called a Church. But *Fitz. ſayes*, by this word *Eccleſia*, is meant onely a Parſonage; and therefore, if a Preſentment be made to a Chappel, as to a Church, by the name *Eccleſia*, this does change the nature of it, and makes it preſently a Church. *Nat. Br.* 32. When the Queſtion was, Whether it were *Eccleſia* aut *Capella* pertinens ad matricem Eccleſiam; The iſſue was, Whether it had *Baptiſterium* & *Sepulturam*; for, if it had the Adminiſtration of Sacraments and Sepulture, it was in Law judged a Church. *Tim. 20 Edw. 1.* in banco, Rot. 177. 2 *Inſt.* fol. 263.

**Eccleſiaſtical Perſons**, Are, either *Regular*, or *Secular*; *Regular* are ſuch as lead a Monachical Life, under certain Rules; and, have Vowed Obedience, perpetual Chaſtity, and wiſal Poverty: When a Man is Profeſſed in any of the Orders of Religion, he is ſaid to be a Man of Religion, a *Regular*, or *Religious*; of this ſort are Abbots, Priors, Monks, Friars, &c. *Secular* are thoſe, whoſe ordinary Converſation is among Men of the World, and Profeſs the Undertaking



Undertaking the Charge of Souls, and live not under the Rules of any Religious Order; such, are Bishops, Parish-Priests, &c.

**Etele fares**, alias **Etele bare**, (Anno 25. H. 8.) The Fry, or Brood of **Eteles**.

**Efratores**, (Lat.) Burglars, that break open Houses to steal. *Qui furandi causa domos effringunt, vel se e carcere proripiunt; Etiam qui scripta expoliant.* MS.

**Egyptians**, (*Egyptiani*) Are, in our Statutes, a Counterfeit kind of Rogues; who, being English or Welsh People, disguise themselves in strange habits, smearing their faces and bodies, and framing to themselves an unknown Canting Language, wander up and down; and, under pretence of Telling Fortunes, Curing Diseases, and such like, abuse the Common-people, by stealing all that is not too hot, or too heavy for their carriage. Anno 1 & 2 Phil. & Ma. ca. 4. Anno 5. Eliz. ca. 2. These are like those whom the Italians call *Cingari*.

**Ejectione custodiæ**, *Ejectione de gard*, Is a Writ, which lay properly against him that did cast out the Gardian from any Land, during the Minority of the Heir. *Reg. of Writs*, fol. 162. *Fitz. Nat. Br. fol. 139.* There are two other Writs not unlike this, the one termed *Droit de gard*, or, Right of gard; the other *Ravishment de gard*, which see in their places.

**Ejectione firmæ**, Is a Writ, which lies for the Lessee for years, who is ejected before the expiration of his term, either by the Lessor, or a stranger. *Reg. of Writs*, fol. 227. *Fitz. Nat. Br. fol. 220.* See *Quare ejecit infra terminum*, and *New Book of Entries*, verbo *Ejectione firmæ*.

**Eigne**, (French, *Aisne*.) Eldest, First-born. As *Bastard eigne & mulier pusee*. *Litt. Sess.* 399. See *Mulier*.

**Einecia**, (borrowed of the French, *Aisne* i. *Primogenitus*.) signifies Eldership. *Stat. of Ireland*, 14 Hen. 3. Of this read *Skene*, verbo *Eneya*. And see *Esneey*. — *Eyniciam filiam suam maritare*; to Marry his eldest Daughter.

**Eyre**, alias **Eyre**, (from the old French word *Err*. i. *Iter*, as a *grand erre*. i. *magnis itineribus*.) Signifies the Court of Justices Itinerant; For Justices in Eyre are those whom *Bracton* in many places calls *Judicarios Itinerantes*. The Eyre of the Forest is the Justice Seat, otherwise called; which, by ancient Custom, was held every three years by the Justices of the Forest, journeying up and down to that purpose. *Bracton lib. 3. Tract. 2. ca. 1 & 2.* *Briston. ca. 2. Cramp. Jur. fol. 156.* *Manwood par. 1. p. 121.* Read *Skene*, verbo, *Iter*; whereby, as by many other places, you may see great affinity between these two Kingdoms in the Administration of Justice and Government. See *Justice in Eyre*.

**Election**, (*Electio*.) Is, when a Man is left to his own Free-will, to take or do one thing or another, which he pleaseth. In case an Election be given of two several things, he who is

the first agent, and ought to do the first act, shall have the Election: As if a man make a Lease, rendring a Rent, or a Robe, the Lessee shall have the Election, as being the first agent, by payment of the one, or delivery of the other. *Coke on Litt. p. 144. b.*

**Election de Clerk**, (*Electio clericici*) Is a Writ that lies for the choice of a Clerk, assigned to take and make Bonds, called Statute-Merchant; and is granted out of the Chancery, upon suggestion, that the Clerk formerly Assigned is gone to dwell in another place, or hath impediments to follow that business; or, not Land sufficient to answer his transgression, if he should deal amiss, &c. *Fitz. Nat. Br. fol. 164.*

**Elegit**, (from the words in it *Elegit sibi liberari*.) Is a Writ Judicial, and lies for him that hath recover'd Debt or Damages, or upon a Recognizance in any Court, against one not able in his Goods to satisfy, and directed to the Sheriff, commanding him to make delivery of half the Parties Lands, and all his Goods; Oxen and Beasts for the Plough excepted. *Old. Nat. Br. fol. 152.* *Reg. of Writs*, fol. 299, and 301. and the Table of the *Reg. Judicial*, which expresseth divers uses of this Writ. The Creditor shall hold the Moiety of the said Land so delivered to him, till his whole Debt and Damages are satisfy'd; and, during that term he is Tenant by Elegit. *Westm. 2. cap. 18.* See *Coke on Litt. fol. 289. b.*

**Elk**, A kind of Ewe to make Bows, Anno 23 Hen. 8. ca. 9.

**Elaine**, (from the French, *Esloigner*; to remove, banish, or send a great way from.) — If such as be within Age be Elained, so that they cannot sue Personallly, their next friends shall be admitted to sue for them. Anno 13 Edw. 1. ca. 15.

**Elopement**, Is, when a Married Woman of her own accord departs from her Husband, and lives with an Adulterer; whereby, without voluntary submission, or reconciliation to her Husband, she shall lose her Dower, by the Stat. of *Westm. 2. ca. 34.* according to this old Dyctich,

*Sponsæ virum mulier fugiens, & Adultera facta,  
Dote sua careat, nisi sponso sponse retracta.*

A Woman, thus leaving her Husband, is said to *Elope*, and her Husband in this case shall not be compell'd to allow her any Alimony. See *Alimony*. I am perswaded the word is taken from the Saxon *Geleosan*. i. To depart from one place to dwell in another, the Saxon *p* being easily mistaken for a *p*.

**Emblements**, (from the French, *Emblavence de bled*. i. Corn sprung, or put up above ground.) Signifies strictly the Profits of Land which has been Sowed; but, the word is sometimes used more largely, for any Profits that arise and grow naturally from the Ground, as Grass, Fruit, Hemp, Flax, &c. If Tenant for Life sow the Land and die, his Executor shall have

have the Emblements, and not he in reversion; But, if Tenant for years sow the Land, and before severance the term expires, there the Lessor, or he in reversion shall have the Emblements, and not the Lessee. *Vide Coke lib. 11. fol. 51.*

**Embracery**, (Anno 19 Hen. 7. ca. 13.) Is he, that, when a Matter is in Trial between Party and Party, comes to the Bar with one of the Parties, (having receiv'd some Reward so to do,) and speaks in the Case, or privately labors the Jury, or stands there to survey, or over-look them, whereby to awe, or put them in fear. The Penalty whereof is 20 l. and Imprisonment at the Justices discretion, by the said Statute.

**Embracery**, Is the Act or Offence of *Embracery*. To infract the Jury, or promise reward for, or before appearance, is *Embracery*. *Noy's Rep. fol. 102.*

**Embre**, or **Embrizing-dayer**, (Anno 2 & 3 Edw. 6. ca. 19.) Are those, which the ancient Fathers called *Quatuor tempora*, and are of great Antiquity in the Church, being observ'd on *Wednesday*, *Friday* and *Saturday* next after *Quadragesima Sunday*, *Whitsunday*, *Holy-vood day* in *September*, and *St. Lucy's day* in *December*; and, are so called from the Saxon *ymb-pen. i. cursus vel circulus*; because constantly observ'd at set seasons in the course or Circuit of the Year. They are mention'd by *Briston*, ca. 53. and others. In 3 Part. Inst. fol. 200. it is said, These *Embrizing dayers* are the week next before *Quadragesima*, which is a great mistake.

**Emendats**, (*Emenda*.) Is an old word, still used in the Accounts of the *Inner-Temple*; where, so much in *Emendats* at the foot of an Account, signifies so much in the Bank or Stock of the House, for Reparation of Losses, or other emergent occasions; *Quod in restaurationem damni tribuitur*, says *Spelman*.

**Empanel**, (*Ponere in Assise & Juratis*.) Signifies the Writing and Entering the Names of a Jury into a Parchment Schedule, or Roll of Paper, by the Sheriff, whom he has Summon'd to appear for the performance of such Publick Service, as Juries are employ'd in. See *Panel*.

**Empanelance**, (From the French, *Parler*, to speak.) Signifies a Desire or Petition in Court of a Day to pause, what is best to do; (the *Civilians* call it, *Petitionem induciarum*.) *Kitchin*, (fol. 200.) says, *If he imparl, or pray continuance*, &c. where *praying continuance* is spoken interpretatively; and fol. 201. mentions *importance general* and *special*; The first seems to be that, which is made onely in one word, and in general terms: *Empanelance special*, where the Party requires a Day to deliberate; adding also these words, *Salvis omnibus advantage tam ad jurisdictionem Curia, quam ad breve & narrationem* — or such like. *Briston* useth it for the conference of a Jury upon the Cause committed to them, ca. 53. See *Importance*.

**Encheffon**, (French,) Signifies occasion, cause, or reason, wherefore any thing is done. 50 Ed. 3. ca. 7. See *Skene* in hoc verbum.

**Encroachment**, or **Accroachment**, (*Fr. Accrochement*. i. A grasping, or hooking.) Signifies an unlawful encroaching, or gathering in upon another man; As, if two mens Grounds lying together, the one presseth too far upon the other; or, if a Tenant owe two shillings Rent-service, and the Lord exacts three. So *Hugh* and *Hugh Spencer* encroached unto them Royal Power and Authority. Anno 1 Edw. 3. in *Proem*.

**Enditement**, (*Indictamentum*, from the French, *Enditer*. i. *Deferre nomen alicujus*.) Is a Bill or Declaration drawn in form of Law, for the benefit of the Common-wealth, and exhibited by way of Accusation against one for some offence, either Criminal or Penal, and preferred unto Jurors, and, by their Verdict found, and Presented to be true before a Judge or Officer that has power to punish, or certify the Offence. An *Inditement* is always at the Sute of the King, and differs from an Accusation in this, That the Preferrer of the Bill is no way tied to the Proof of it, upon any Penalty, except there appear conspiracy. See *Stamf. pl. Cor. lib. 2. ca. 23. usq; 34.* *Enditements* of Treason, and of all other things ought to be most curiously and certainly penned. *Coke 7. Rep. Calvins Case*. The day, year and place must be put in. See the Stat. 37 Hen. 8. ca. 8. And 3 Part. Inst. fol. 134.

**Endowment**, (*Dotatio*.) Signifies the bestowing or alluring of a Dower. See *Dower*. But, it is sometimes used Metaphorically, for the setting forth or severing a sufficient portion for a Vicar towards his perpetual maintenance, when the Benefice is appropriated. See *Appropriation*, and the Stat. 15 Rich. 2. ca. 6.

**Endowment de la plus belle part**, Is, where a man dying seized of some Lands holden in Knights-service, and other some in Socage, the Widow is sped of her Dower, in the Lands holden in Socage, as being the fairer or better part. Of which see *Littleton at large*, lib. 1. cap. 5.

**Enfranchite**, (French, *Enfranchir*.) To make Free, to incorporate a man into any Society or Body Politic; to make one a Free Denizen.

**Enfranchisement**, (French,) Signifies the Incorporating a Man into any Society or Body Politick; For example, he that by Charter is made Denizen of England, is said to be *Enfranchised*; and so is he that is made a Citizen of London, or other City, or Burgh of any Town Corporate; because he is made partaker of those Liberties that appertain to the Corporation, whereinto he is *Enfranchised*. So a Villain was *Enfranchised*, when he was made Free by his Lord.

**Englecerie**, **Englecherie**, or **Englecherpe** (*Engleceria*) Is an old abstract word, signifying the being an Englishman. For example, if

a Man were privily slain or murdered, he was in old time accounted *Francigena*, (which comprehended every alien, especially *Danes*) until *Engleccerie* was proved, that is, until it were made manifest, that he was an *Englisbman*. *Bracton, lib. 3. tract. 2. cap. 15. num. 3.*

This *Engleccerie* (for the abuses and troubles that afterward were perceived to grow by it) was absolutely taken away, by Stat. 14 *Edw. 3. cap. 4.*

**Inheritance.** See *Inheritance*.

**Entia pars.** See *Encey*.

**Enquest, Fr. (Lat. Inquisitio)** Is especially taken for that *Inquisition* of Jurors, or by Jury, which is the most usual tryal of all Causes, both Civil and Criminal in this Realm. For in Causes Civil, after proof is made on either side, so much as each party thinks good for himself, if the doubt be in the fact, it is referred to the discretion of Twelve indifferent Men, impanelled by the Sheriff for the purpose; and as they bring in their Verdict, so Judgment passeth: For the Judge saith, the Jury findes the Fact thus, then is the Law (if their Verdict do not contradict it) thus, and so we judge. As to the *Enquest* in Causes criminal, see *Jury*, and see *Sir Tho. Smith de Repub. Angl. lib. 2. cap. 19.* An *Enquest* is either of Office, or at the Mife of the party. *Stamf. Pl. Cor. lib. 3. cap. 12.*

**Entail (Feudum talliatum, Fr. Entaille, i. incisus)** Is a Substantive Abstract, signifying Fee-tail or Fee entailed; that is abridged, curtailed, or limited, and tied to certain conditions. See *Fee* and *Tail*.

**Entendement (Fr. Entendement)** Signifies as much as the true meaning, intent, or signification of a Word, Sentence, Law, &c. See *Kitchin, fol. 224.* See *Intendement*.

**Enterplede (Fr. Enterplaidier)** Signifies to discuss or try a Point incidentally falling out, before the Principal Cause can be determined. For example, Two persons being found Heirs to Land by two several Offices in one County, the King is brought in doubt, to which of them, Livery ought to be made; therefore before Livery be made to either, they must *Enterplede*, that is formally try between themselves, who is the right heir. *Stamf. Prærog. cap. 12.* See *Broke tit. Enterpleder*.

**Entertie or Intertie (From the Fr. Entierete, i. Entierens)** The whole: Contradistinguished in our Books to *Mortu*.

**Entire Tenancy.** Is contrary to *Several Tenancy*, and signifies a sole possession in one man, whereas the other signifies a joynr or common one in more. See *Broke Several Tenancy*. See *New Book of Entries, verbo Entire-tenancy*.

**Entrie (Fr. Entree, i. Introitus, ingressus)** Properly signifies the taking possession of Lands or Tenements. See *Plowden, Assize of Freshforce in London, fol. 93. b.* It is also used for a Writ of Possession, for which see *Ingressu*; and read *West, pa. 2. Symbol. tit. Recoveries, sect. 2, 3.* who there shews for what it lies, and for

what not. Of this *Britton* in his 114 Chapter writes to this effect. The Writs of Entry favor much of the Right of Property. As for example, some are to recover Customs and Services, in which are contained these two words (*solus & debet*) as the Writs *Quo Jure, Rationabilibus Divisis, Rationabili Esuweru*, with such like. And in this Plee of Entry there are three degrees: The first is, where a Man demands Lands or Tenements of his own Seisin, after the term expired; the second is, where one demands Lands or Tenements, let by another, after the Term expired; the third, where one demands Lands or Tenements of that Tenant, who had Entry by one, to whom some Ancestor of the Plaintiff did let it for a Term now expired. According to which degrees, the Writs, for more fit remedy, are varied. And there is yet a fourth form, which is without degrees, and in case of a more remote Seisin, whereunto the other three degrees do not extend. The Writ in the second degree is called a Writ of Entry *In le Per*; in the third degree, a Writ of Entry *In le per & cui*; and in the fourth form without these degrees, it is called a Writ of Entry *In le post*; that is, after the Disseisin, which such a one made to such a one. And if any Writ of Entry be conceived out of the Right Case, so that one form be brought for another, it is abateable.

In these four degrees, are comprehended all maner of Writs of Entry, which are without certainty and number. Thus far *Britton*, by whom you may perceive, that those words *Solus & debet*, and those other, *In le per, in le per & cui*, and *In le post*, which we meet with many times in Books shortly and obscurely mentioned, signifie nothing else but divers Forms of this Writ, applied to the Case, whereupon it is brought, and each Form taking its name from the words contained in the Writ. And of this read *Fitz. Nat. Br. fol. 193.*

This Writ of Entry differs from an *Assize*, because it lies for the most part against him, who entered lawfully, but holds against Law; whereas an *Assize* lies against him that unlawfully disseised; yet sometimes a Writ of Entry lies upon an *Entrusion*. *Reg. of Writs, fol. 233. b.* See the *New Book of Entries, verbo Entro Brevis, fol. 254. col. 3.* There is also a Writ of Entry in the nature of an *Assize*. Of this Writ, in all its degrees, see *Fleta, lib. 5. cap. 34. & seq.*

**Entrusion (Intrusio)** Is a violent or unlawful entrance into Lands or Tenements (void of a Possessor) by him that hath no right at all to them. *Bracton, lib. 4. cap. 2.* For example, a Man steps into Lands, the owner whereof lately died, and the right heir, neither by himself or others, hath as yet taken possession of them. See the difference between *Abator* and *Intruder*, in *Coke on Litt. fol. 277.* Though the *New Book of Entries, fol. 63. C.* latines *Abatement* by this word *Intrusionem*. See *Abatement*, see *Disseisin*, and *Britton, cap. 65.* *Entrusion* is also taken for the Writ brought against

against an *Intruder*, which see in *Fitz. Nat. Br. fol. 203.*

**Entrusion de Gard.** Is a Writ, that lies, where the Infant within age, entered into his Lands, and held his Lord out. For in this Case, the Lord shall not have the Writ *De Communi custodia*, but this. *Old Nat. Br. fol. 90.*

**Envoice.** See *Invoice*.

**Enure.** Signifies to take place or effect, to be available. Example, A Release shall *Enure* by way of extinguishment. *Littleton, cap. Release.* And a Release, made to a Tenant for term of life, shall *Enure* to him in the Reversion.

**Eques Auratus (Lat.)** A Knight, so called, because anciently it was lawful for Knights only to beautifie and gild their Armor, and Caparisons for their Horses with Gold. *Fern's Glory of generosity, pag. 102.* *Eques Auratus* is not used in Law; but *Chivalier* or *Miles*. *Cokes 4 Inst. fol. 5.*

**Equity (Equitas)** Is the Correction or Qualification of the Law, generally made, in that part wherein it faileth, or is too severe. For, *Ad ea que frequentius accident jura adaptantur*: As, where an Act of Parliament is made, That whosoever does such a thing, shall be a Felon, and suffer Death, yet if a Madman, or an Infant of tender years do the same, they shall be excused. Breaking of Prison, is Felony, in the prisoner himself, by the Statute *De Frangentibus Prisonam*; yet if the Prison be on fire, and they within break Prison to save their lives; this shall be excused by the Law of Reason. So to save my life, I may kill another that assaults me.

**Erminstret.** See *Wastingstreet*.

**Errant (Errans)** Is attributed to Justices of Circuit. *Pl. Cor. fol. 15.* and *Bailiffs* at large. See *Justices in Eyre*, and *Bailiff*. See *Eyre*.

**Errour (Error)** Signifies more specially an Error in Pleading, or in the Proces. (*Broke, tit. Errour.*) Whereupon, the Writ, which is brought for remedy of this over-sight, is called a Writ of Error, in Latin, *De Errore Corrigendo*, thus defined by *Fitz. Nat. Br. fol. 20.* A Writ of Error doth also lie to redress false Judgment given in any Court of Record, as in the Common Bench, London, or other City, having power (by the Kings Charter, or Prescription) to hold Plea of Debt or Trespass above xxxs. This is borrowed from the French practice, which they call *Proposition d'Erreur*; whereof you may read in *Gregorius de Appell. pag. 36.* In what diversity of Cases this Writ lies, see the Statute of 27 *Elix. cap. 9.* *Reg. of Writs* in the Table, and *Reg. Judicial, fol. 34.* There is likewise a Writ of Error to Reverse a Fine, *West, par. 2. Symbol. tit. Fines, 151.* *New Book of Entries, verbo Error.* For preventing Abatements of Writs of Error upon Judgments in the *Exchequer*, see 16 *Car. 2. cap. 2.* and 20 *Ejafdam, cap. 4.* And for Redressing, and Prevention of Error in Fines and Recoveries,

the Statute of 23 *Elix. cap. 3.* for Inrolling them.

**Errore corrigendo.** See *Error*.

**Escambio (from the Span. Cambiar, to change)** Is a Licence granted to one, for the making over a Bill of Exchange to another over Sea. *Reg. of Writs, fol. 194. a.* For by the Statute of 5 *Rich. 2. cap. 2.* no Merchant ought to *Exchange*, or return Money beyond Sea without the Kings License.

**Escape (from the Fr. Eschapper, i. Effugere)** Signifies a violent or privy evasion out of some lawful restraint. For example, if the Sheriff, upon a *Capias* directed to him, take one, and endeavor to carry him to the Goal, and he by the way, either by violence or flight, breaks from him; this is called an *Escape*. *Stamf. lib. 1. cap. 26 & 27. Pl. Cor.* names two kinds of *Escape*; *voluntary* and *negligent*. *Voluntary*, is when one Arrests another for Felony, or other crime, and afterward lets him go: In which *Escape*, the party that permits it, is by Law guilty of the fault committed by him that escapes, be it Felony, Treason, or Trespass. *Negligent Escape* is, when one is Arrested, and afterward escapes against his will that arrested him, and is not pursued by fresh suit, and taken again, before the party pursuing hath lost the sight of him. Read *Cromptons Justice, fol. 36.*

**Exchange or Erchange (Escambium)** — *Hanc terram cambiavit Hugo Briccino quod modo tenet Comes Moriton, & ipsum Scambium valet duplum. Domesday.* See *Exchange*.

**Escheat (Escheata, from the Fr. Escheoir, i. cadere, accidere)** Signifies any Lands, or other profits, that casually fall to a Lord within his Manor, by way of Forfeiture, or by the Death of his Tenant, leaving no Heir general nor special; *Mag. Charta, cap. 31. Fitz. Nat. Br. fol. 143. T.* *Escheat* is also used sometimes for the place or circuit, in which the King or other Lord hath *Escheats* of his Tenants. *Bracton, lib. 3. tract. 2. cap. 2. Papilla oculi par. 2. cap. 22.* *Escheat* (thirdly) is used for a Writ, which lies, where the Tenant having Estate of Fee-simple in any Lands or Tenements holden of a Superior Lord, dies seized without Heir general or special: In which case the Lord brings this Writ against him that possesseth the Lands after the death of his Tenant, and shall thereby recover the same in lieu of his services. *Fitz. Nat. Br. fol. 144.* In the same sense, as we say, The Fee is *Escheated*, the Feudists use *Feudum Aperiunt*. See *Coke on Litt. fol. 92. b.*

**Escheator (Escheator)** Was an Officer (appointed by the Lord Treasurer) who observed the *Escheat* due to the King in the County, whereof he was *Escheator* and certified them into the *Chancery* or *Exchequer*, and found Officers after the Death of the Kings Tenants, which held by Knights-service in *Capite*, or otherwise by Knights-service; he continued in his Office but one year, nor could any be *Escheator* above once in three years; *Anno 1. H. 8. cap.*

cap. 8. & 3 *Ejusdem*, cap. 2. See more of this Officer, and his Authority, in *Crom. Just. of Peace*. Fitzherbert calls him an Officer of Record, *Nat. Br. fol. 100.* because that which he certified by virtue of his Office, had the credit of a Record. *Officium Escaevici*, is the Escheatorship. *Reg. of Writs, fol. 259. b.* This Office, having its chief dependence on the Court of Wards, is now, in a manner, out of date. See 4 *Inst. fol. 225.*

**Eschequer** (*Scaccarium*, from the Fr. *Eschequier*, *i. Abacus, tabula lusoria*) Is a Court of Record, wherein all Causes touching the Revenue of the Crown, are heard and determined, and wherein the Revenue of the Crown is received. *Pol Virgil, lib. 9. Hist. Angl. says*, the true word in Latin is *Statarium*, and by abuse called *Scaccarium*. Camden in his *Britan. pa. 113. faith*, This Court, or Office, took name *A Tabula ad quam Affidebamus*, the Cloth which covered it, being parti-coloured or Chequered. We had it from the Normans, as appears by the *Grand Customary, cap. 56.* where it is thus described, The Eschequer is called an Assembly of High Justiciars, to whom it appertains to amend that which the Bailiffs, and other Inferior Justiciars, have misdone, and other unwisely judged, and to do right to all men without delay, as from the Princes Mouth.

This Court consists of two parts, whereof one is conversant, especially in the Judicial Hearing and Deciding all Causes pertaining to the Princes Coffers, anciently called *Scaccarium Computorum*; the other is called the Receipt of the Eschequer, which is properly employed in the receiving and payment of Money. The Officers belonging to both these, you may find named in *Cam. Brit. cap. Tribunalia Anglie*, to whom I refer you. The Kings Exchequer, which now is settled at Westminster, was in divers Counties of Wales. *Anno 27 Hen. 8. cap. 5. & 26. See Orig. Juridicales, fol. 49. and 4. Part. Inst. fol. 103.*

**Escuage** (*Scutagium*, from the Fr. *Escu*, *i. a Buckler or Shield*) Signifies a kinde of Knights-service, called Service of the Shield; the Tenant, holding by it, was bound to follow his Lord into the Scottish or Welsh Wars, at his own charge. For which see *Chivalry*. Escuage is either uncertain or certain. Escuage uncertain, is properly Escuage and Knights-service, being subject to Homage, Fealty, and (heretofore) Ward and Marriage; so called, because it was uncertain how often a man should be called to follow his Lord into those Wars, and what his charge would be in each journey. Escuage certain, is that which yearly pays a certain Rent in lieu of all Services, being no further bound, then to pay his Rent, be it a Knights Fee, half, or the fourth part of a Knights Fee, according to the quantity of his Land; and this loseth the nature of Knights-service, though it hold the name of Escuage, being in effect *Soccage*. *Fitz. Nat. Br. fol. 84.* This is taken away and discharged by Act of Parliament, 12 *Car. 2. cap. 24. See Capite.*

**Eschepeson**. Shipping. *Ceste Endenture faite parentre lui noble home Monf. Thomas Beauchamp Counte de Warwyke d'une parte & John Russell Escuyer d'autre parte, Tesmoigne, &c. Et quo le dit John aura Eschepeson convenable pour son passage & repassage outre mer, as cufages le dit Counte, &c. done a Warwyke. 2 Jan. 50 Edw. 3.*

**Emery** (*Afynocia*, Fr. *Afynecfe*, *i. Dignitas Primogeniti*) Is a Prerogative allowed the eldest Coparcener to chuse first after the Inheritance is divided. *Fleta, lib. 5. cap. 10. § 2. In Divisionem. Salvo capitali Mesuagio primogenito Filio pro dignitate Afynocia sua. Glanv. lib. 7. cap. 3. Jus Esnetia, i. Jus Primogenitura. In the Statute of Marlbridge, cap. 9. it is called *Initia pars Hereditatis*. See *Coke on Litt. fol. 166. b.**

**Explea** (*Expletia*, from *Expleo*) Are the full Profits, which the Ground or Land yields, as the Hay of the Meadows, the Feed of the Pasture, the Corn of the Arable, the Rents, Services, and such like Issues. The Profits comprised under this word, the Romans properly call *Accessiones*.

Note, that in a Writ of Right of Land, Advowson, or such like, the Demandant ought to allege in his Count, That he or his Ancestors took the *Explea* of the thing in demand, else the Pleading is not good. 1 *Ley.*

**Esperbarius**, and **Sparberius** (Fr. *Espervier*,) A Spar-Hawk. *Char. Foresta, cap. 14. — Kedit. solut. Willielmo Talboys Arm. ad Manerium suum de Kyme pro omnibus fortissimis secularibus unum Esperbarium vel 2 s. per annum ad Festum Sancti Mich. &c. Comput. Davidis Gefferon Collect. Redd. de Wragby. Anno 35 Hen. 6. — Dicunt quod Ricardus de Herthall die quo obiit tenuit Manerium de Poley in Com War. in Dominico suo ut de feodo per fidelitatem & servitium unius Esperbarii vel 2 s. ad Festum S. Jacobi, &c. Efc. de Anno 19 Edw. 2. num. 53.*

**Esquier**, Was originally he, who attending a Knight in time of War, did carry his Shield, whence he was called *Escuyer* in French, and *Scutifer* or *Armiger* in Latin: Howbeit this Addition hath not of long time had any respect at all to the Office, or employment of the person to whom it hath been attributed, but been merely a title of dignity; and next in degree below a Knight. Those to whom this title is now of right due, are, All the Younger Sons of Noblemen, and their Heirs-male for ever: The Four Esquiers of the Kings Body; the Eldest Sons of all Barons; so also of all Knights of the Bath, and Knights Bachelors, and their Heirs-male in the right Line: Those that serve the King in any Worshipful Calling (to use *Camden's* words) as the *Sergeant Chirurgon*, *Sergeant of the Exchequer*, *Master Cook*, &c. Such as are created Esquiers by the King, with a Collar of S. S. of Silver, as the *Heraults* and *Sergeants at Arms*. The chief of some ancient Families, are likewise Esquiers by Prescription; those that bear any Superior Office in the Commonwealth, as *High Sheriff* of any County, who retains the title of Esquire during his life, in respect of the

the great trust he has had, of the *Poste Comitatus*; He, who is a *Justice of Peace* has it, during the time he is in Commission, and no longer; if not otherwise qualified to bear it: *Other Barristers*, in the late Acts of Parliament for *Pol-Money*, were ranked among Esquiers, and so were many wealthy Men, (by reason they were commonly reputed to be such,) and paid accordingly: In *Walsingham's History of Richard the Second*, we read of one John Blake, who is said to be *Juris Apprenticius*, and has the Addition of *Scutifer* there given him; but, whether intitled thereto by reason of that his Profession, or otherwise, does not appear. See *Camd. Brit. fol. 111.* And 2 *Inst. fol. 595.*

**A** *Principe sunt Armigeri vel scripto vel Symbolo vel munere. Scripto, cum Rex sic quempiam constituit. Symbolo, quum collum ergo alicujus argenteo sigmatico (hoc est torque ex SS confecto) adornaverit, cumque argentatis calcaribus (ad discernim equum, qui aureis ut sunt) donaverit. Tales in occidentali Anglia plaga (ut aliquando didici in conventu rei antiqua studioforum) habite purras dicti sunt. Munere, cum ad munus quempiam evocaverit, vel in Aula vel in Reipub. Armigero designatum: cuiusmodi multa bodie, patribus nostris incognita. Inter Armigeros qui sunt (non nascuntur) primarii habentur quatuor illi Armigeri ad Corpus Regis (Esquires of the Body); quos & Equitum filii primogeniti anteprecandos asserunt. Thus the Learned Spel. in whose Glossarium you may find mention of another species of Esquires, viz. *Squier bozn de quarter Cotes.**

**O**mnibus — *Walterus de Pavely miles filius quondam Reginaldi de Pavely salutem. Novit ut me obligari Rogero Marmon filio quondam Philippi Marmon omnibus diebus vite sue in una Roba cum pellura de festa Armigerorum meorum annuatim ad Festum Nativitatis Domini percipiend. sine aliqua contradictione vel retractione mei vel heredum meorum aut assignatorum. Ad quam quidem solutionem Roba predicta cum pellura annuatim ad terminum supradictum fideliter persolvendum obligo me & heredes meos, bona & catalla nostra mobilia & immobilia ubicunque fuerint inventa in maneris meis in Hundredo de Westbury existentibus vel extra, &c. sine dat. Ex codice M. S. penes Gul. Dugdale Arm.*

**Essendi quietum de Colonia**, Is a Writ that lies for Citizens and Burgeses of any City or Town that have a Charter or Prescription to exempt them from paying Toll through the whole Realm, if it chance that the same is any where exacted of them. *Fitz. Nat. Br. fol. 226.*

**Essoin**, (*Essonium*, from the Fr. *Essonie*, or *Exonnie*. *i. Causarius miles*, he that has his presence forborn or excused upon any just cause, as sickness or other impediment,) Signifies

an alleadgment of an Excuse for him that is summon'd, or sought for to appear and answer to an Action real, or to perform Sure to a Court-Baron upon just Cause of absence: It is as much as *excusatio* with the Civilians. The causes that serve to *Essoin* any Man Summon'd, are divers, yet drawn to five Heads, whereof the First is *ultra mare*; the Second, *de terra sancta*; the Third, *de malo veniendi*, which is also called the common *Essoin*; the Fourth is *de malo lecti*; the Fifth *de servitio Regis*. For further knowledge of these, I refer you to *Glanville, lib. 1. Bracton. lib. 5. tract. 2. per totum. Britton, ca. 122 — 125.* and to *Horns Mirror, lib. 7. ca. des Essoins*, who mentions some more *Essoins*, touching the Service of the King Celestial, then the rest do. Of these *Essoins* you may read further in *Fleta, lib. 6. ca. 8. & seq.* and, that these came to us from the Civil-Laws and the Normans, is well shewed by the *grand Customary*, where you may find in a manner all that our Lawyers say of this matter, *ca. 39. to 45.*

**Essoins and Profers**, *Anno 32 Hen. 8. ca. 21. See Profer.*

**Essonia de malo lecti**, Is a Writ directed to the Sheriff, for sending four lawful Knights to view one that has *Essoined* himself *de malo lecti*. *Reg. of Writs, fol. 8. b.*

**Establishment of Dower**, Seems to be the assurance or settlement of Dower, made to th Wife by the Husband, or his Friends, before or at Marriage. And *Assignment* is the setting it out by the Heir afterwards, according to the *Establishment*. *Britton, ca. 102, 103.*

**Estandard, or Standard**, (*Fr. Estandart. i. Signum, vexillum*.) An Ensign for Horsemen in War, and is commonly that of the King, or Chief General: But, it is also used for the Principal or *Standing-Measure* of the King, to the scantling whereof all the Measures throughout the Land, are, or ought to be framed by the Clerks of the Market, Aulneger, and other Officers, according to their several Offices; For it was established by *Magna Charta, 9 Hen. 3. ca. 9.* That there should be but one scantling of Weights and Measures through the whole Realm; which was confirm'd by the *Stat. 14 Edw. 3. ca. 12.* From henceforth there shall be one Weight, one Measure, and one Yard, according to the Standard of the Eschequer throughout all the Realm. 17 *Car. 1. ca. 19.* It is called a Standard with good reason, because it stands constant and immoveable, and hath all other Measures coming towards it for their Conformity, as Souldiers in the field have their Standard or Colours to repair to. Of these Measures read *Britton, ca. 30.*

**Estate**, (*Fr. Estat. i. Conditio*.) Signifies especially that Title or Interest which a Man hath in Lands or Tenements, as *Estate simple*, otherwise called *Ecc simple*, and *Estate conditional*, or upon condition, which is (according to *Litt. lib. 3. ca. 5.*) either upon *Condition in Deed*, or upon *Condition in Law*; The first is, where

where a Man by Deed indented, infeofs another in Fee, reserving to him and his heirs yearly a certain Rent, payable at one Feast or at divers, upon condition, that if the Rent be behind, &c. it shall be lawful for the Feoffee and his heirs to enter— *Estate upon condition in Law*, is such, as hath a Condition in Law annexed to it, though it be not specify'd in writing: For example, if a Man grant to another by his Deed, the Office of a Parker, for life; This Estate is upon condition in the Law, or imply'd by Law, viz. If the Parker so long shall well and truly keep the Park, &c. We read also of an Estate particular, which is an Estate for life, or for years. *Parkins, Surrenders* 581.

**Eschewing.** See *Sterling*.

**Esopel,** (from the Fr. *Esouper*. i. *Oppellare, Obfipare*.) Is an impediment, or bar of an Action, growing from his own Fact, who hath, or otherwise might have had his Action; For example, a Tenant makes a Feoffment by collusion to one, the Lord accepts the Services of the Feoffee, by this he debars himself of the Wardship of his Tenants heir. *Fitz. Nat. Br. fol. 142. k.* And *Broke, hoc titulo. Coke lib. 2. Casu Goddard*, defines an Esopel to be a bar or hindrance to one to plead the truth, and restrains it not to the impediment given a man by his own act only, but by anothers also. *Lib. 3. Casu of Fines, fol. 88.* There are three kinds of Esopel, viz. By matter of Record, by matter in Writing, and by matter in Paitis; Of which see *Coke on Litt. fol. 352. a.*

**Esroveria,** from the Fr. *Esrouver*. i. *Fovere*, ) Signifies nourishment, or maintenance: *Bracton*. (lib. 3. tra. 2. ca. 18. num. 2.) uses it for that sustenance, which a man, apprehended for Felony, is to have out of his Lands or Goods for himself and his Family, during his Imprisonment; And the *Stat. 6 Ed. 1. ca. 3.* uses it for an allowance in meat or cloth. It is also used for certain allowances of Wood, to be taken out of another Mans Woods; *Westm. 2. ca. 25. 20 Car. 2. ca. 3. West, pa. 2. Symbol. tit. Fines. Stat. 26. faves*, *Esrovers* comprehends House-bote, Hay-bote and Plow-bote; As, if one hath in his Grant these general words, *De rationabili Esroverio in boscu, &c.* He may thereby claim these three. In some Mannors the Tenants have Common of Esrovers, that is, necessary Botes out of the Lords Woods, As at *Orleton in Com. Heref.* where the Tenants paid the Lord a Wood-hen yearly by way of Rent or Retribution for the same. *Rationabile Esroverium*. See *Alimomy*.

**Esray,** (from the old Fr. *Estrayeur*, Lat. *Extrahura*. *Pecus quod clausum a custode campos percurret, ignoto Domino*.) Signifies any beast that is not wild, found within any Lordship, and not owned by any man; in which Case, if it be Cried according to Law in the next Market-Towns, and it be not claimed by the Owner within a Year and a day, it is the Lords of the Soil. See *Bracton. ca. 17.* See *Esrays* in the *Forrest*, *Anno 27 Hen. 8. ca. 7.* *New Book of*

*Entrics, verbo, Trespas concernant Esrey.* The ancient Law of K. Inas was—*Diximus de ignotis pecoribus, ut nemo habeat sine testimonio Hundredii vel hominum Decennae. i. Sectatorum Letz. Spel.*

**Etreat,** (*Extratum*.) Is used for the Copy or true Note of an Original Writing; and especially of Amerciements, or Penalties set down in the Rolls of a Court, to be levied by the Bailiff or other Officer upon every Man for his Offence. See *Fitz. Nat. Br. fol. 57. & 76.* And so it is used, *Westm. 2. ca. 8.*

**Clerk of the Etreata.** See in *Clerk*.

**Etrepe,** (Fr. *Estopier*. i. *Mutilare*.) To make spoil by a Tenant for life in Lands or Woods to the prejudice of him in reversion.

**Etrepement, or Estrepament,** (From the Fr. *Estopier*. i. *mutilare*.) Signifies spoil made by the Tenant for term of life upon any Lands or Woods to the prejudice of him in the Reversion, *Stat. 6. Edw. 1. ca. 13.* And, it may seem by the derivation, that Estrepament is properly the unreasonable foking, or drawing away the heart of the Land, by Plowing and Sowing it continually, without Manuring, or other good Husbandry; And yet Estropier signifying mutilare, it may no less properly be applied to those that cut down Trees, or lop them farther then the Law allows. It signifies also a Writ, which lies in two Cases, the one, when a Man, (having an Action depending, as a *Formdon, dum fuit infra atatem, Writ of right*, or such like, wherein the Demandant is not to recover Damages,) sues; to inhibit the Tenant from making wait, during the Sute. The other is for the Demandant, who is adjudged to recover Seisin of the Land in question, and before Execution sued by the Writ *Habere facias possessionem*, for fear of waste to be made before he can get possession, sues out this Writ. See more in *Fitz. Nat. Br. fol. 60 & 67. Reg. of Writs, fol. 76.* And *Reg. Judic. fol. 33.* In ancient Records we often find *Vastum & Estrepamentum facere*. *Videturque Estrepamentum gravius Vasti genus designare. Spel.*

**Etheling, or Etheling,** in the Saxon signifies Noble, and it was (among our English Saxons) the title of the Prince, or Kings Eldest Son; as we read in *Camden*,

**Edgar Etheling England's dearling.**

**Ebertwicke,** *Yorkshire*, anciently so called. *Willielmus Rex Anglia Thoma Archiepiscopo & Bertramo de Verdon & Baronibus Jussu Franci & Anglie de Ebertwicke, &c. Carta Will. Conq.*

**Evidence,** (*Evidencia*.) Is used generally for any proof, be it testimony of Men, Records, or Writings. *Sir Tho. Smyth* hath these words, (*Lib. 2. c. 17.*) Evidence in this signification is Authentical Writings of Contracts, Written, Sealed, and Delivered. And (*lib. 2. ca. 23.*) speaking of the Prisoner that stands at the Bar to plead for his life, he says thus;

thus; Then he tells what he can say for himself; after him like wife all those, who were at the apprehension of the Prisoner, or, who can give any Indices or Tokens, which we call in our language Evidence, against the Malefactor. It is called Evidence, because thereby the point in Issue is to be made evident to the Jury; probationes debent esse evidentes. i. *Perfpuae & faciles.* See *Coke on Litt. fol. 283.*

**Exactor Regis,** The Kings Exactor; *Qui publicas pecunias, tributa, vestigalia, & res fisco debitas exegit.* Sometimes taken for the Sheriff. *Hoc enim sensu, niger liber Seac. par. 1. ca. ult. Tabulas, quibus vicecomes censum Regium colligit, Rotulum Exactorium vocatur.*

**Examiners in the Chancery,** (*Examinatores*.) Are two Officers, that examine, upon Oath, Witnesses produced on either side, upon such Interrogatories as the Parties to any Sute do exhibit for that purpose; and sometimes the Parties themselves are, by particular Order, examin'd also by them.

**Exambiatoz,** Was antiently used for an Exchanger or Land—*Ita quod unusquisque eorum qui damna sustinuit aliquo casu contingente, quod Exambiator refundat dampna, missas & expensas quocunque casu proveniente.* Ex libro Cartarum Priorat. Leominstr. de anno 2 Edw. 2.

**Exception,** (*Exceptio*.) Is a stop or stay to an Action, being used in the Civil and Common Law both alike, and in both divided into dilatory and peremptory. Of these see *Bracton, lib. 5. Tra. 5. per totum.* And *Bracton, ca. 91. 92.*

**Exchange,** (*Cambium vel excambium*.) Is used peculiarly for that compensation, which the Warrantor must make to the Warrantee, value for value, if the Land warranted be recovered from the Warrantee. *Bracton lib. 2. ca. 16. and lib. 1. cap. 19.* It signifies also generally as much as permutatio with the Civilians, as the *Kings Exchange, Anno 1 Hen. 6. ca. 1 & 4. 9 Ed. 3. Stat. 2. ca. 7.* which is the place appointed by the King for exchange of Plate or Bullion for the Kings Coyn. These places have been divers heretofore, as appears by the said Statutes; but, now there is only one, viz. the Tower of London, conjoynd with the Mint; which, in time past, might not be, as appears by 1 Hen. 6. ca. 4.

**Exchangeors,** Are those that return Money beyond Sea by Bills of Exchange, which, (by the Stat. 5 Rich. 2. ca. 2.) ought not to be done without the Kings Licence. See *Excambiator*.

**Eschequer.** See *Eschequer*.

**Esche,** Is a Charge, or Imposition laid upon Beer, Ale, Sider, and other Liquors within the Kingdom of England, Wales and Berwick, by Act of Parliament, 12 Car. 2. ca. 13. during the Kings life, and, according to the Rates in the said Act mentioned. See 13 Car. 2. ca. 13.—15. ejusdem. 9. And 17 ejusdem, ca. 4.

**Excommengement** (*Anno 23 Hen. 3. cap. 3.*) Is in Law-French, the same with Excommunication.

**Excommunication** (*Excommunicatio*) Is a Censure inflicted by the Canon or Ecclesiastical Judge, depriving the person offending from the lawful Communion of the Sacraments, and sometimes of the liberty, of even conversing with the faithful. And it is divided, in majorem & minorem: Minor est per quam quis a Sacramentorum participatione conscientia vel sententia arcetur. Major, quae non solum a Sacramentorum, verum etiam fidelium Communione excludit, & ab omni actu legitimo separat & dividit. Venatorius de Sent. Excom. *Authoritate Dei Patri omnipotentis & Filii & Spiritu Sancti; & beata Dei genetricis Mariae, omniumque Sanctorum, Excommunicamus, Anathematizamus, & a limitibus sanctae Matris Ecclesiae sequestramus illos malefactores, N. consentaneos quocunque participes; & nisi resipuerint, & ad satisfactionem venerint, sic extinguatur lucerna eorum ante viventem, in saecula saeculorum. Fiat, fiat. Amen.* Ex Emendat. Legum Wil. Conquestor. in lib. vocat. *Textus Rossensis*.

**Excommunicato Capiendo,** Is a Writ directed to the Sheriff, for apprehending him who stands obstinately Excommunicated Forty days: For the contempt of such a one, not seeking absolution, may be certified or signified into Chancery, whence issued this Writ, for the laying him up without Bail or Mainprise, until he conform himself. *Phz. Nat. Br. fol. 62. Anno 5 Eliz. cap. 23. and Reg. of Writs, fol. 65.*

**Excommunicato Deliberando,** Is a Writ to the Under-Sheriff for Delivery of an Excommunicate person out of prison, upon Certificate from the Ordinary of his Conformity, to the Jurisdiction Ecclesiastical. *Fitz. Nat. Br. fol. 63. Reg. of Writs, fol. 67.*

**Excommunicato Recipiendo,** Is a Writ, whereby persons excommunicate, being for their obstinacy committed to prison, and unlawfully delivered thence, before they have given caution to obey the Authority of the Church, are commanded to be sought for, and laid up again. *Reg. of Writs, fol. 67. a.*

**Executione Facienda,** Is a Writ, commanding Execution of a judgment, the divers uses whereof, see in the Table of Register Judicial.

**Executione facienda in writementum,** Is a Writ that lies for the taking his Cattle, who formerly had conveyed out of the County the Cattle of another: So that the Bailiff, having authority from the Sheriff to Replevy the Cattle so conveyed away, could not execute his charge. *Reg. of Writs, fol. 82. b.*

**Execution** (*Executio*) Signifies the last performance of an Act, as of a Fine or Judgment. Execution of a Fine, is the obtaining Actual Possession of the things contained in it, by virtue thereof, which is either by Entry into the Lands, or by Writ; whereof see *West* at



at large, *Par. 2. Symbol. tit. Fines, fcl. 137.* Executing of Judgments, Statutes, and such like, see in *Fitz. Nat. Br. in Indice 2. verbo, Execution.* — *Coke (vol. 6. casu Blumfield, fol. 27. a.)* makes two sorts of Executions; one final, another with a *quousque*, tending to an end. An *Execution Final*, is that which makes Money of the Defendants Goods, or extends his Lands, and delivers them to the Plaintiff, which he accepts in satisfaction, and is the end of the Sute, and all that the Kings Writ commands to be done. The other Writ, with a *Quousque*, is tending to an end, but not final, as in the Case of *Capias ad Satisfaciendum*, &c. which is not final, but the Body of the party is to be taken, to the intent, to satisfy the Demandant; and his imprisonment is not absolute, but until he satisfy. *Idem, ibid.*

**Executoz** (*Executor*) Is he that is appointed by any Mans last Will and Testament, to have the Execution thereof, and the disposing of all the Testators Substance, according to the tenor of the Will. See the *Duty of Executors*, a Book so entitled.

**Executoz de son tozt**, Or of his own wrong, is he that takes upon him the Office of an Executor by intrusion, not being so constituted by the Testator, or deceased, nor (for want of such Constitution) constituted by the Ordinary to administer. How far he shall be liable to Creditor; see 43 *Eliz. cap. 8. Dyer 166.* and the *Duty of Executors, cap. 14.*

**Exemplification of Letters Patent** (*An. 13 Eliz. cap. 6.*) Is a copy or example of Letters Patent, made from the Inrollment thereof, and sealed with the Great Seal of England; which *Exemplifications* are as effectual to be shewed or pleaded, as the Letters Patent themselves. Nothing but matter of Record ought to be exemplified. 3 *Inst. fol. 173.* See *Pages Case, 5 Rep.*

**Exemplificatione**, Is a Writ granted for the Exemplification of an Original. See *Reg. of Writs, fol. 290.*

**Ex grabi Querela**, Is a Writ that lies for him, to whom any Lands or Tenements in Fee, (within a City, Town, or Borough, wherein Lands are devisable) are devised by Will, and the Heir of the Devisor enters, and detains them from him. *Reg. of Writs, fol. 244. Old Nat. Br. fol. 87.* See *Fitz. Nat. Br. fol. 198. L.*

**Exhibit** (*Exhibitum*) When any Deed, Acquittance, or other writing, is in a sute in Chancery exhibited, to be proved by Witnesses, and the Examiner certifies on the back of it, that the Deed was shewed to such a one at the time of his Examination, this is there called an *Exhibit*. The word is mentioned *Anno 14 Car. 2. cap. 14.*

**Exigentaries of the Common Bench** (*Exigentarii de Banco Communi*) Are otherwise 10 *Hen. 6. cap. 4.* called *Exigenters*, which *Vide.*

**Exigent** (*Exigenda*) Is a Writ that lies, where the Defendant in an Action Personal

cannot be found; nor any thing of his within the County, whereby to be attached or distrained, and is directed to the Sheriff, to proclaim and call him five County days one after another, charging him to appear under pain of Outlary. This Writ also lies in an Indictment of Felony, where the party indicted cannot be found. *Smith de Repub. Angl. lib. 2. cap. 19.* It is called an *Exigent*, because it *exaigeth* the party, that is, requires his appearance or forth-coming to answer the Law; for if he come not at the last days Proclamation, he is said to be *Quinquies Exactus*, and then is *Outlawed*. *Crompt. Jurisd. fol. 188.* See the *New Book of Entries, verbo, Exigent.*

**Exigenters** (*Exigentarii*) Are four Officers of the Court of Common Pleas, who make 21 *Exigents* and Proclamations in all Actions, wherein Process of Outlary lies, and Writs of *Superfedeas*, as well as the Pronotaries, upon such *Exigents* as were made in their Offices. 18 *Hen. 6. cap. 9.* But the making the Writs of *Superfedeas*, is since taken from them by an Officer in the Court of Common Pleas, erected by King James, by his Letters Patent in the later end of His Reign.

**Ex mezo motu** (Lat.) Are formal words used in the Kings Charters, and Letters Patent, signifying, that he does what is contained therein *Of his own will and motion*, without Petition or Suggestion made by any other; and the effect of these words is to Bar all Exceptions, that might be taken to the Instrument, wherein they are contained, by alleging, that the Prince in passing such a Charter was abused by false suggestion. *Kitchin, fol. 352.*

**Ex Officio**. By virtue of a Branch of the Stat. 1 *Eliz. cap. 1.* the Queen, by Her Letters Patent might authorise any person or persons, &c. To administer an Oath *Ex Officio*, where the supposed Delinquent was compelled to confess, accuse or purge himself of any criminal matter, and thereby be made liable to censure or punishment, &c. The Branch of which Statute relating to the said Oath is repealed, 17 *Car. 1. cap. 11.*

**Exoneratione Sectæ**, Was a Writ that lay for the Kings Ward to be disburdened of all sute, &c. to the County, Hundred, Leet, or Court Baron, during the time of his Wardship. *Fitz. Nat. Br. fol. 158.*

**Ex Parte** (Lat.) Partly, or of one part. In the Court of Chancery it hath this signification, A Joynnt-Commission is that wherein both Plaintiff and Defendant joyn; A Commission *Ex parte*, is that which is taken out and executed by one Party only.

**Ex parte taks**, Is a Writ that lies for a Bailiff or Receiver, who, having Auditors assigned to hear his account, cannot obtain of them reasonable allowance, but is cast into Prison by them. *Fitz. Nat. Br. fol. 129.* The manner in this Case is, to take this Writ out of the Chancery, directed to the Sheriff, to take four Mainpernors to bring his Body before the Barons of the Exchequer, at a day certain, and

and, to warn the Lord to appear at the same time.

**Expendant**, U'ed with this word *Fee*, differs from *Fee-simple*; For example, Lands are given to a Man and his Wife in Frank-Marriage, To hold to them and their Heirs; In this case they have *Fee-simple*; But, if it be given to them and the heires of their body, &c. they have *Taile*, and *Fee-expendant*. *Kitchin, fol. 153.*

**Explees**. See *Esplees*.

**Expeditate**, (*Expeditare vel expaaltare*,) In the Forest Laws signifies to cut out the Ball of great Dogs fore-feet, for preservation of the Kings Game. Every one that keeps any great Dogs, not *expeditated*, forfeits three shillings to the King. The Ball of the foot of Mastiffs is not to be cut off, but the three Claws of the fore-foot to the skin. 4 *Part. Inst. fol. 308.* — *Nullus Dominicos canes Abbasu Monachorum expaaltari cogat.* Charia, *Hen. 3. Abbati de Rading.* — *Sint quicquid de expeditamentis canum.* *Ex magno Rot. Pipe, de Anno 9 Ed. 2.*

**Expenditoz**, (*Anno 37 Hen. 8. ca. 11.*) Seems to signifie those that pay, disburse, or expend the Tax in the said Statute mentioned. *Anno 7 Jac. ca. 20.* Paymasters.

**Expensis militum lebendis**, Is a Writ directed to the Sheriff, for levying allowance for the Knights of the Parliament, *Reg. of Writs, fol. 191. b.*

**Explozatoz**, A Scout. — *In memoriam Henrici Cruxi Equitis aurati Exploratoris in Hibernia generalis, qui obiit Anno 1609.* Scoutmaster-general. Also a Huntsman or Chafer. — *Idem Abbas habens Exploratores suos statim ponere fecit retia, &c.* In *Itin. Pickering, 8 Ed. 3. Rot. 4.*

**Extend**, (*Extendere*,) To value the Lands or Tenements of one bound by Statute, &c. that has forfeited his Bond, to such an indifferent rate, as by the yearly rent, the Creditor may in time be paid his Debt; The course, and circumstances of this see in *Fitz. Nat. Br. fol. 131.*

**Extendi facias**, Is ordinarily called a Writ of *Extent*, whereby the value of Lands is commanded to be made and levied in divers cases, which see in the *Table of the Register of Writs.*

**Extent**, (*Extenta*,) Sometimes signifies a Writ, or Commission to the Sheriff for the valuing of Lands or Tenements; Sometimes the Act of the Sheriff, or other Commissioner upon this Writ. *Broke tit. Extent. fol. 219. An. 16 & 17 Car. 2. ca. 5.*

**Extinguishment**, (*Exom Extinguo*,) Signifies an effect of consolidation; For example, if a Man have a yearly rent due to him out of my Lands, and afterwards purchase the same Lands, now both the property and rent are consolidated, or united in one possessor, and therefore the rent is said to be *extinguished*. So, where a Man has a Lease for years, and afterwards buys the property, this is a consolidation of the property of the Fruit, and an *Extinguishment*

of the Lease. And, if there be Lord, Mesn and Tenant, and the Lord purchase the Tenancy, then the Mesnalty is *extinct*; but, the Mesn shall have the surplussage of the Rent, if there be any, as rent-seck. *Terms ley.*

**Extirpatione**, Is a Writ judicial that lies against him, who, after a Verdict found against him for Land, &c. does maliciously overthrow any House, or extirpate any Trees upon it; And, it is two-fold; one *ante judicium*, the other *post judicium*. *Reg. judicial. fol. 13. 56. 58.*

**Extortion**, (*Extortio*,) Is an unlawful or violent wringing of Money, or Money-worth from any Man. For example, if an Officer, by terrifying another in his Office, take more then his ordinary Fees or Duties, he commits, and is Inditeable of this offence: To this, (*In Wests Judgment*,) may be refer'd the exaction of unlawful Usury, winning by unlawful games, and (in one word) all taking of more then is due, by color or pretence of right; as excessive Toll in Milners, excessive prizes of Ale, Bread, Victuals, Wares, &c. *Part 2. Symbol. tit. Inditements. fcl. 65.* — *Manwood, (Part 1. pa. 216.)* says, *Extortion is coloris Officii*, not *virtutis Officii* — *Crompton* (in his *Justice of Peace, fol. 8.*) says, to this effect, Wrong done by any Man is properly a Trespass, but excessive wrong is called *Extortion*; and, this is most properly in Sheriffs, Mayors, Bailiffs, and other Officers whatsoever, who, by color of their Office, work great oppression and wrong to the Kings Subjects, in taking excessive Rewards or Fees, for executing their Office; In the same Author, *fol. 48.* you may see great diversity of Cases touching *Extortion*. See also 3 *Part. Inst. fol. 149.*

**Extrada**. See *Exfrast*.

**Epre**. See *Epre*.

**Epet**, (*Infulletta*,) A little Island; I have seen it corruptly written in some modern Conveyances, *Eggh*.

**F.** He that shall maliciously strike any person with a Weapon in Church or Church-yard, or draw any Weapon there with intent to strike, shall have one of his Ears cut off; and, if he have no Ears, then shall be marked on the Cheek with a hot Iron, having the Letter F. whereby he may be known for a *Fray-maker* or *Fighter*. *Anno 5 & 6 Edw. 5. ca. 4.*

**Fabrick-Lands**, Are lands given towards the maintenance, rebuilding or repair of Cathedrals, or other Churches, and mentioned in the Act of Oblivion: 2 *Car. 2. ca. 8.* In Ancient time almost every one gave by his Will more or less to the Fabrick of the Cathedral or Parish-Church where he liv'd. — *In Dei nomine Amen. Die veneris ante Festum Nativitatis Sancti Johannis Baptiste, Anno Dni. 1423. Ego Ricardus Smyth de Bromyard condico Testamentum meum in*  
E e

*hunc modum, Inprimis lego animam meam Deo & beata Maria & omnibus Sanctis, Corpusque meum sepeliendum in Cimiterio Beata Eadburgae de Bradway. Item lego Fabrica Ecclesie Cathedralis Hereford. xii. d. Item lego Fabrica Capellae Beatae Mariae de Brumyard xli. d. Item lego Fratribus de Woodhouse xx. d. Residuum vero bonorum, &c. These Fabric-lands the Saxons called Timber-lands.*

**Faculty**, (*Facultas*,) As it is restrained from the Original and Active signification, to a particular understanding in Law, is used for a privilege or especial power granted to a man by favour, indulgence and dispensation, to do that, which by the Common-Law he cannot; as, to eat Flesh upon days prohibited, to Marry without Banns first asked, &c. *Anno 28 Hen. 8. ca. 16.*

The Court of Faculties belongs to the Archbishop of Canterbury, and his Officer is called *Magister ad facultates*; his power is to grant Dispensations, as, to Marry, to eat Flesh on days prohibited; the Son to succeed the Father in his Benefice; one to have two or more Benefices incompatible, &c. This Authority was given by the Statute 25 Hen. 8. *ca. 21.* See 4 *Part. Inst. fol. 237.*

**Faint**, alias **Feint-Action**, (*Fr. feint*,) Is as much as *Fained-Action*; that is, such an Action, as albeit the words of the Writ be true; yet, for certain causes, he has no Title to recover thereby: And, a false action is, where the words of the Writ are false. *Coke on Lit. fol. 361.* yet sometimes they are confounded.

**Faint-pleader**, (from the *Fr. Feint*, *Falsus*,) Signifies a false, covenant or collusive manner of pleading, to the deceit of a third party, 34 & 35 Hen. 8. *ca. 24.*

**Fair-pleading**. See **Beaupeleider**.

**Faitours**, (a French word, antiquated, or somewhat translated; for, the modern French is *Faiscur*. i. *Faſtor*,) Is used in the Stat. 7 R. 2. *ca. 5.* in the evil part, signifying a bad Doer; or, it may not improbably be interpreted an idle Liver, taken from *faitardise*, which signifies a kind of num or sleepy Disease, proceeding of too much sluggishness, which the Latines call *Veternus*: For, in the said Statute it seems to be a Synonymon with *Vagabond*.

**Falda**, A Sheepfold. — *Et quod oves sint levantes & cubantes in propria falda Canonico-rum praeſtorum.* Rot. cart. 16 Hen. 2. m. 6.

**Faldage**, (*Faldagum*,) Is a privilege which many Lords anciently retained to themselves, of setting up Sheep-folds, or Pens, in any Fields within their Mannors, the better to manage them; and this not onely with their own, but with their Tenants Sheep, which is called *Setta falda*; This *Faldage* is call'd in some places a *Fold-course*, or *Freo-fuld*; and, in some ancient Charters *Fald-foca*. i. *Libertas falda*, or *Libertas faldagii*. — *Rogerus Ruffens concessit Ecclesie B. Mariae de Wimbondam 40 acres terre in Scarnbrunne, cum dimidia Fald-foca, &c.* Chartular. Monasterialis Ecclesie praeſt. pa. 48.

— *De Faldagio habendo ad ducentos bidentes; ad plus, in villa de Athburgh, Mon. Angl. 2 Part. fo. 275. a.*

**Faleſia**, (*Fr. Falsize*,) A Bank, Hill, or down by the Sea-side. *Coke on Litt. fol. 5. b.*

**Falſland**, alias **Folſland**. See **Coppyhold** and **Freehold**.

**Faſſe Impriſonment**, Is a Trespaſs committed againſt a man, by Impriſoning him without lawful cauſe; It is alſo uſed for the Writ brought upon this Trespaſs. *Fitz. Nat. Br. fol. 46. k. and 88. P. vide Broke, and New Book of Entries, verbo, Faſſe Impriſonment.*

**Faſſe Prophecies**. See **Prophecies**.

**Faſſe returno Writium**, Is a Writ lying againſt the Sheriff, for faſſe returning of Writs. *Reg. judicial. fol. 43. b.*

**Faſſity**, Seems to ſignifie as much as to move a thing to be faſſe. *Parkins, Dower. 183. 285.* Alſo to ſay or do faſſly; as to falſify, or counterfeit the Kings Seal. *Rex — Vic. Lincoln. Scias quod dedimus Ada de Eſſeſe Clerico noſtro, pro ſervicio ſuo, omnes terras & tenementa quae fuerunt Will. de Scrubby, cujus terra & tenementa ſunt excaeta noſtra, per Feloniam quam fecit de falſificatione Sigilli noſtri. T. apud Linc. 28. Nov. &c. Clauſ. 6 Joh. m. 12. in dorſo.*

**Familia**, Pro hida, manſa, manso, carucata. — *Donavit terram quinquaginta Familiarum ad conſtruendum Monasterium.* Beda *Hiſt. Eccl. lib. 4. ca. 3.* This term *Hida*, is, by our Writers, ſometimes called a *Manſe*, ſometimes a *Family*, ſometimes *Carucata*, or a Plough-land; containing as much as one Plough and Oxen could cultivate in one year. *Cressy's Church-Hiſt. fol. 723. b.* *Ubi Beda Familiam, Saxonicus ejus interpret carucatus passim hida redderet, Anglo-Normannia Carucata terrae. Gloſſ. in x. Script.*

**Fanaticke**, (*Anno 13 Car. 2. ca. 6.*) Is uſed as a general name for *Quakers*, *Anabaptiſts*, and other diſſenters from the Church of England.

**Faonatio**, or **Feonatio**, (from the *Fr. Faonner*,) a ſawning, or bringing forth young, as *Does do.* *Carta Forestae, ca. 8.*

**Farding**, or **Farthing of Gold**, (*quasi fourth-thing*,) was a Coin uſed in ancient times, containing in value the fourth part of a Noble, viz. xx. d. Silver, and in weight the ſixth part of an Ounce of Gold, that is, of 5 s. in Silver; mention'd 9 H. 5. *Stat. 2. cap. 7.* thus; *Item, that the King do be ordained good and juſt weight, of the Noble, half-Noble, and Farthing of Gold, with the rates neceſſary to the ſame, for every City, &c.* Whereby it plainly appears to have been a Coin; as well as the Noble and half-Noble.

**Farandman**, (*Sax. Fapan, to Travel*,) A Merchant-Stranger, or Pilgrim; to whom, by the Lawes of Scotland, Juſtice ought to be done with all expedition, that his buſineſs or journey be not hinder'd.

**Fardel of Land**, (*Fardella terra*,) Is, (according to ſome Authors, (the fourth part of

a Yard-land. Yet Noy, (in his compleat Lawyer, pa. 57.) ſayes, Two Fardels of Land make a Nook, and four Nooks make a Yard-land.

**Farding deal**, (*Sax. Feopd. i. quarta & del, or dæle. pars.*) alias **Farundel** of Land, (*Quadrantata terra*,) Signifies the fourth part of an Acre. *Crom. Jur. fol. 220.* *Quadrantata terra* is read in the Reg. of Writs, fol. 1. b. where you have alſo *Denariata & obolata, ſolidata & librata terra*, which muſt probably riſe in proportion of quantity from the *Farding-deal*, as an half-penny, penny, ſhilling or pound riſe in value; Then muſt *Obolata* be half an Acre, *Denariata* an Acre, *Solidata* twelve Acres, and *Librata* twelve ſcore Acres; yet, I find *Viginti librata terra vel redditus*, *Reg. fol. 94. a.* and fol. 248. b. whereby it ſeems *Librata terra* is ſo much as yields xx. s. per annum; and, *Centum ſolidata terrarum, tenementorum & reddituum*, fol. 249. a. And, in *Fitz. Nat. Br. fol. 87. f.* *Viginti librata terra vel redditus*, which argues it to be ſo much Lands as twenty ſhillings per annum. See **Furlong**. Others hold *Obolata* to be but half a Pearch, and *Denariata* a Pearch. See *Spelman's Gloſſ. verbo, Obolata terra*. — *Sciatu me Rogerum de Ichtefeld dediſſe — Medietatem unius Feorwendel terre de meo dominio*, &c. *Mon. Angl. 2 Pa. fo. 913. b.*

**Fare** (*Sax.*) A voyage or paſſage; or the Money paid for paſſing by Water. *Anno 2 & 3 Ph. & Ma. cap. 16.*

**Farlep** or **Farleu**, In the Mannor of *West Slapton* in *Com. Devon*. if any Tenant die poſſeſſed of a Cottage, he is by the Cuſtom to pay to the Lord fix pence for a *Farlep*. Which I ſuppoſe may be in *Lieu* of a *Harlot*: For in ſome Mannors *Westward*, they diſtinguiſh *Farleu* to be the beſt good, as *Harlot* is the beſt Beaſt payable at the Tenants death.

**Farm** (From the *Sax. Feopme, i. Food*.) *Reditus est qui in elocandis praeſtiis Domino elocanti reſervatur.* See **Ferm**, and *Spelman. Gloſſ. verbo, Firma*.

**Farthing of Land** (*Sax. Feoppling*) Seems to be ſome great quantity, and to diſter much from *Fardingdeal*: For I finde in a Survey Book of the Mannor of *West Slapton* in *Devonſhire*, entred thus: *A. B. holds ſix Farthings of Land at 126 l. per annum ſome hold it to be a Yardland. See Fardel, Fardingdeal, and Farding.*

**Fat or Ware**, Is a great Wooden Veſſel, which among Brewers and Maſtiſters, is uſed to meaſure Mault for expedition, containing a Quarter. Mentioned *Stat. 1 Hen. 5. cap. 10.* and 11 Hen. 5. *cap. 8.* It is likewiſe a Veſſel or Pan of Lead, for the making of Salt, at *Droitwich* in the County of *Worceſter*, whereof the ſeveral Owners or Proprietors do claim Eſtates of Inheritance and Burgeſhip.

**Fautoz** (*Anno 16 Rich. 2. cap. 5.*) Favorers, ſupporters, or maintainers.

**Faſſity** (*Fidelitas, Fr. Feaulte, i. Fides*) Signifies an Oath taken, at the admittance of every Tenant, to be true to the Lord of whom

he holds his Land: And he that holds Land, by this onely Oath of *Fealty*, holds in the freſt manner; becauſe, all that have Fee, hold *per fidem & fiduciam*, that is, by *Fealty* at the leaſt. *Smith de Repub. Angl. lib. 3. cap. 8.* This *Fealty* is alſo uſed in other Nations, as in *Lombardy* and *Burgundy*. *Cassianus de conſuetud. Burgund. pag. 419.* And indeed, as the very firſt creation of this tenure grew from the love of the Lord towards his Followers; ſo did it bind the Tenant to *Fidelity*, as appears by the whole courſe of the *Feods*; and the breach thereof, is loſs of the Fee. *Hotoman* in his *Commentaries, de verbis Feudalibus*, ſhews a *Double Fealty*, one general, to be performed by every Subject to his Prince; the other *ſpecial*, required onely of ſuch, as in reſpect of their Fee, are tied by this Oath towards their Land-lords; we may read of both in the *Grand Cuſtomary of Normandy*, &c.

*Fealty ſpecial* is with us performed, either by Freemen or by Villains; the form of both ſee, *Anno 17 Edw. 2.* in theſe words, *When a Freeman ſhall do Fealty to his Lord, he ſhall hold his right hand upon a Book, and ſhall ſay thus, Hear you my Lord R. that I. P. ſhall be to you, both faithful and true, and ſhall ow my Fealty to you for the Land that I hold of you, at the terms aſſigned. So help me God, and all his Saints. When a Villain ſhall do Fealty to this Lord, he ſhall hold his right hand over the Lord, and ſay thus, Hear you my Lord A. that I. B. from this day forth, unto you ſhall be true and faithful, and ſhall ow you Fealty, for the Land that I hold of you in Villanage, and ſhall be juſtified by you, in Body and Goods: So help me God, and all his Saints. See Reg. of Writs, fol. 302. a. *Fidelitas est fides, obsequii & servitii ligamen, quo generaliter ſubditus Regi, particulariter vaſſallus domino aſtringitur.* *Spel.**

**Ffe** (*Feodum* alias *Feudum*) Is applied to all thoſe Lands and Tenements, which we hold by perpetual right, and by an acknowledgment of any ſuperiority to a higher Lord. Thoſe that write of this ſubject, divide all Lands and Tenements, wherein a Man hath a perpetual eſtate to him, and his heirs, into *Allodium* and *Feudum*.

*Allodium* is defined to be every Mans own Land, &c. which he poſſeſſeth merely in his own right, without acknowledgment of any ſervice or payment of any Rent to any other, and this is a property in the hiſheſt degree.

*Feudum*, is that which we hold by the benefit of another, and in the name whereof we ow Service, or pay Rent, or both, to a Superior Lord. And all our Land here in England (the Crown Land, which is in the Kings own hands, in right of His Crown excepted) is in the nature of *Feudum*, or Fee: For though many have Land by deſcent from their Anceſſors, and others have dearly bought Land for their Money, yet is it of ſuch nature, that it cannot come to any, either by deſcent or purchaſe, but with the burthen that was laid upon him, who

who had *Novel Fee*, or first of all received it, as a benefit from his Lord, to him, and to all such, to whom it might descend, or any way be conveyed. So that there is no Man that hath *Diræctum Dominium*, i. The very Property or Demain in any Land, but the Prince, in right of His Crown. *Camd. Britan. pag. 93.* For, though he that hath Fee, hath *Jus perpetuum & utile Dominium*, yet he owes a duty for it, and therefore it is not simply his own; which thing, I take those words, we use for the expressing our deepest Rights in any Lands or Tenements, to import; for he that can say most for his estate, saith thus, *I am seised of this, or that Land, or Tenement, in my Demain, as of Fee*; and that is as much, as if he had said, it is my Demain or Proper Land after a sort, because it is to me and my heirs for ever, yet not simply mine, because I hold it in the nature of a benefit from another; yet the Stat. 37 Hen. 8. cap. 16. useth the word (*Fee*) of Lands invested in the Crown, but it proceeds from an ignorance of the nature of the word; for Fee cannot be without *Fealty* sworn to a Superior, as you may read partly in the word *Fealty*, but more at large in those that write *De Feudis*; and namely *Huteman*, both in his *Commentaries* and *Disputations*; since no Man may grant, that our King or Crown oweth *Fealty* to any Superior, but God only. And all that write *De Feudis*, hold, that *Feudatarius* hath not an entire property in his Fee.

Fee is divided into *Fee absolute*, otherwise called *Fee-simple*, and *Fee-conditional*, otherwise termed *Fee-tail*. *Fee-simple* (*Feudum simplex*) is that whereof we are seised *To us and our heirs for ever*. *Fee-tail* (*Feudum taliatum*) is that whereof we are seised, with limitation, to us, and the heirs of our Body; &c. Which *Fee-tail* is both *general* and *special*; *General* is, where Land is given to a Man and the heirs of his body; the reason whereof is shewed by *Litleton*, lib. 1. ca. 2. because a Man seised of Land by such a gift, if he Marry one or more Wives, and have no issue by them, and, at length marry another by whom he hath issue, this issue shall inherit the Land. *Fee-tail special* is that, where a Man and his Wife are seised of Lands to them and the heirs of their two bodies; because in this case, the Wife dying without issue, and he Marrying another by whom he hath issue, this issue cannot inherit the Land, being especially given to such heirs, &c. This *Fee-tail* has Original from the Stat. of *Westm.* 2. ca. 1. Yet see *Bracton*, lib. 2. ca. 3. num. 3. *Item quedam absoluta & larga & quadam stricta & coarctata, sicut cortis hereditibus.* To whom add *Plowden casu, Willm.* fol. 235. For, before that Statute, all Land given to a Man and his heirs, either general or special, was accounted in the nature of *Fee*, and therefore held to be so firmly in him to whom it was given, that, any limitation notwithstanding, he might alienate it at his pleasure, *Coke on Litt.* fol. 19. for redress of which inconvenience the said Statute was made, whereby it is ordained,

that if a Man give Lands in Fee, limiting the heirs to whom it shall descend, with a reversion to himself or his heirs for default, &c. that the form and true meaning of his gift shall be observed. He that hath Fee then, holdeth of another by some duty or other which is called *Service*.

This word *Fee* is sometimes used for the compass or circuit of a Lordship or Mannor. *Bracton lib. 2. ca. 5. in eadem villa & de eodem Feodo.* Thirdly, It is used for a perpetual right incorporeal, as, to have the keeping of Prisons in Fee. *Old Nat. Br. fol. 41.* Rent granted in Fee. *eodem fol. 8.* Sheriff in Fee. *Anno 28 Ed. 1. Stat. 13. ca. 8.* Lastly, *Fee* signifies a reward or ordinary duty given a man for the execution of his Office, or the performance of his industry in his Art or Science; As the Lawyer or Physician is said to have his *Fee*, when he hath the consideration of his pains taken, the one with his Client, the other with his Patient.

*Fee expectant*, Is by the Feudists termed *Feudum expectativum*. See *Expectant*.

*Fee Farm*, or *Free Farm*, (*Feudi firma vel sequeima*,) Is, when the Lord, upon creation of the Tenancy, reserves to himself and his heirs, either the rent, for which it was before letten to Farm, or at least a fourth part of that rent. 2 *Part Inst.* fo. 44. and, that without homage, fealty, or other services, other then are especially comprized in the Feoffment, but, by *Fitzh.* it seems the third part of the value may be appointed for the Rent, or the finding of a Chaplain to Sing Divine-Service, &c. *Nat. Br. fol. 210. C.* And, the Nature of it is this, That, if the Rent be behind, and unpaid for the space of two years, then the Feoffor or his heirs have Action to recover the Lands, as their Demesnes. *Britton. ca. 66. num. 4.* But observe out of *West. Symbol.* part 1. lib. 2. Sect. 463. that the Feoffment may contain services and sute of Court, as well as rent; And, the Author of the *New Terms of Law* saith, That *Fee-farm* oweth fealty, though not expressed in the Feoffment, since Fealty belongs to all kinds of Tenures. See *Farm*.

*Felo de se*, Is he that commits Felony by murdering himself. See *Crom. Justice* of P. fo. 28. and *Lamb. Eiren. lib. 2. ca. 7.* The Saxons called him *Selphana*, *Self-bane*.

*Felony*, *Feloniam*, (*Fr. Felonnie*.) Sir Edward Coke saies, *Ideo dicta est Felonia, quia fieri debet felleo animo*, lib. 4. fol. 124. b. We account any offence *Felony* that is in degree next *Petit Treason*, and compriseth divers particulars, as Murder, Theft, Killing ones self, Sodomy, Rape, Willful burning of Houses, and divers such like, which are to be gathered especially out of the Statutes, whereby many offences are daily made *Felony*, which were not so before. *Felony* is discerned from lighter offences, in that the punishment thereof is death: yet not always; For *petit Larceny*, (which is the stealing any thing under the value of twelve pence) is *Felony*, as appears by *Broke tit. Coron. num. 2*; his

his reason is, because the Inditement against such a one must run with these words, *Felonice cepit*, yet not punished by Death, though it be loss of Goods. Other exception I know not, but that a Man may call that *Felony*, which is under *Petit-Treason*, and punished by death: Of this there are two sorts, one lighter, which, for the first time, may be relieved by *Clergy*, another that may not; which, may also be known by the Statutes; for, *Clergy* is allowed where it is not expressly taken away. Of this read *Stamf. pl. Cor. lib. 1.* (but many offences are made *Felony* by Statute since he wrote,) and *Lamb. Justice* of P. lib. 2. ca. 7. in a Table drawn for the purpose. *Felony* is also punished by loss of Lands not intailed, and Goods and Chattels, both real and personal; yet the Statutes make difference in some cases concerning Lands, as appears by 37 Hen. 8. ca. 6. *Felony* ordinarily works corruption of Blood, unless a Statute, ordaining an Offence to be *Felony*, saies, It shall not corrupt the Blood; As 39 Eliz. c. 17.

*Feme covert*, (*Fr.*) a Married Woman, (*Anno 27 Eliz. ca. 3.*) who is also said to be under *Covert baron*.

*Fence-moneth*, (*Mensis prohibitionis*, or *Mensis vetitus*.) Is a Moneth wherein the Female Deer do fawn, and therefore 'tis unlawful to Hunt in the Forest during that time, which begins fifteen dayes before *Midsummer*, and ends fifteen dayes after, in all 31 dayes. See *Manwood*, Part 2. cap. 13. per totum, and the Stat. 20 Car. 2. ca. 3. It is also called the *Defence Moneth*, that is, the Forbidden Moneth; for, the Latin is, *Ponantur in defensu*. There are also certain *Fence*, or *Defence Moneths*, or seasons for Fish, as well as wild Beasts, as appears by *Westm.* 2. ca. 13. in these words; All waters where Salmons are taken shall be in Defence for taking of Salmons from the Nativity of our Lady unto St. Martins-day. And likewise that young Salmons shall not be taken nor destroyed by Nets, &c. from the midst of April, to the Nativity of St. John Baptist. See also 13 R. 2. Stat. 1. ca. 19.

*Fengeld*, (*Sax.*) *Pecunia vel tributum ad arcendos hostes erogatum*. M. S. Antiq.

*Feodal*, (*Feodali vel feudali*.) of, or belonging to the Fee, *Fee-Farm*, or *Fee-simple*. *Anno 12 Car. 2. ca. 24.*

*Feodary*, *Feudary*, or *Feudatary*, (*Feudatarius*.) Was an Officer, Authorized, and made by the Master of the Court of Wards, by Letters Patent under the Seal of that Office; His Function was, to be present with the *Escheator* at the finding any Office, and to give Evidence for the King, as well concerning the value, as the tenure, to Survey the Land of the Ward, after the Office found, and rate it. He did also assign the Kings Widows their Dowers, and receive all the Rents of Wards lands within his Circuit. This Officer is mentioned *Anno 32 Hen. 8. ca. 46.* and seems to be totally taken away by 12 Car. 2. ca. 24. Noble-Men had also particular *Feodarges*. *Humphrey Count*

de Stafford & de Perch Seigneur de Tunbridge & de Caux, a nostre Feodier en le Counte de Warwick, &c. *Saches que nous*—Dat. 17 H. 6.

*Feoffment*, (*Feoffamentum*, from the Gothic word *feudum*.) Signifies *Donationem feudi*, any Gift, or Grant of any Honours, Castles, Mannors, Messuages, Lands, or other corporeal and immoveable things of like nature, to another in Fee; that is, to him and his heirs for ever, by the delivery of seisin, and possession of the thing given, whether the gift be made by word, or writing: when it is in writing it is called a *Deed of Feoffment*; and, in every *Feoffment* the giver is called the *Feoffer*, (*Feofator*;) and, he that receives, by virtue thereof, the *Feeoffee*, (*Feofatus*.) *Litt. lib. 1. ca. 6.* saies, the proper difference between a *Feoffor* and a *Donor*, is, that the first gives in *Fee-simple*, the other in *Fee-tail*. *Feoffamentum est ipsum Donum, Concessio vel actus feofandi*. See *Coke on Litt.* fol. 9.

*Ferbella terra*, Is ten Acres. See *Virgata* and *Fardel*.

*Ferdendel*. See *Fardingdean*.

*Ferdare*, Significant *quietantiam cundi in exercitu*. *Fleta*, lib. 1. ca. 47.

*Ferdroit*, Significant *quietantiam murdri in exercitu*. *Fleta*, lib. 1. ca. 47. — *Et sint quieti de Fictwite, Fictwite, & Ferdwite, & Bengewite, & Leirwite*, &c. *Carta 11 H. 3. m. 33.*

*Ferial-days*, (*Dies Ferales*;) *Feria*, (according to the Latin Dictionary,) Signifies Holy-dayes, or dayes vacant from Labour and Pleading: But, in the Stat. 27 Hen. 6. ca. 5. *Ferial dayes* are taken for Working dayes; For, *S. Silvester* ordain'd — *Sabbati & Dominici diei nomine retento, reliquos bobdomada dies feriarum nomine distinxit, ut jam ante in Ecclesia vocari ceperant, appellari*. So that *Ferial dayes* are properly all the dayes of the Week, except *Saturday* and *Sunday*.

*Ferling*, (*Ferlingus* *Sax. Peoppling*.) The fourth part of a Penny; *Quadrans*. *Quando Quadrarium frumenti venditur pro 12 denar. tunc panis wasselli de Ferlingis ponderabit 5 lib. & 16 Sol.* *Alfis. panis & Cervi.* *Anno 51 Hen. 3. Cam. tit. Huntingdon*, saies, there were in this Borough four *Ferlings*, that is, quarters of Wards.

*Ferlingata terra*, The fourth part of a Yardland. *Decem acra faciunt Ferlingatam, 4 Ferlingata faciunt Virgatam, 4 Virgata faciunt Hidam, 5 Hida faciunt Feodum militare*. Etc. 12 Ed. 2. n. 18. Ebor. In Ancient Records *ferlingus terra* is also used. See *Mon. Angl.* 2 Part. fol. 8. a. and elsewhere *Ferlingus terra*.

*Ferm* or *Farm*, (*Lat. Firma*, *Sax. Feorpm*; *Fr. Ferme*;) Signifies a Mouse and Land, taken by Lease in writing or parol. This in the North-parts is called a *Tack*; In *Latwesshire* a *Ferm-bult*, in *Essex* a *Wike*. I find *locare ad firmam* sometimes to signify with others, as much as to let, or set to Farm with us; the reason may be in respect of the sure hold they have above Tenants at Will. *Vide Vocab. utriusque Juris*.

**Furis, verbo, Affidit.** How many ways *Ferm* is taken see *Plowden, Casu Wriothesley, fol. 195.* and *Termis Ley, verbo, Farn.*

**Fermina.** The Winter season of Deer, as *Tempus Pinguetinis* is the Summer season. — *Quod idem Hugo & heredes sui de cetero quolibet anno possunt capere in praedicto Parco.* (de Blote) *unam damam in Fermina inter Festum Sancti Martini & Pasche. Beata Maria, & unum damum in Pinguetie inter Festum Sancti Crucis in Mayo & Festum S. Crucis in Septembr. imperpetuum: Ita quod qualemcumque bestiam tempore Pinguetinis vel Fermina beraverint, vel cum praedictis canibus ceperint, illa bestia eis remanebit; & si sit in Fermina allocabitur eis pro dama, & si sit in Pinguetie, allocabitur eis pro damo, &c.* Fin. Concor. in *Guria Dom. Regis apud Litchfield coram Roger, de Turkilby, &c. inter Hugonem de Acovre quer. & Wil. de Aldeley Defore. Penes Willielm. Dugdale, Arm. See Tempus Pinguetinis.*

**Reu.** —  *dilecto Ric. Cassel custodi Manerii de Bruttwyk salutem. Cum mittamus dilectum valletum nostrum Johannem de Fulham ad instantem. Ferminsonam in Parco nostris ibidem, prout vobis & sibi melius ad opus nostrum fore videritis faciend. capiend. Vobis mandamus, &c.* Clauf. 30 Edw. 1. m. 18.

**Ferrure (Fr.)** The Shooing of Horses. See *Bouche of Court.*

**Fettingmen** —  *Ut illud Monasterium (sc. de Breodun) sit liberatum ab illis incommodis, qua nos Saxonica lingua Fettingmen dicimus. Certe Berhtuulf Regis Merciorum. In Mon. Angl. 1. par. fol. 123. a. The Saxon pætenmon signifies Fidejussor, a surety: So that by this Charter probably they were to be free from the Franck-pledge, and not bound for any Mans forth-coming, who should transgress the Law.*

**Feud or Fæd** (Feida alias Fajda) Signifies in the German tongue *Gueram, i. Bellum.* Lambert writes it *Fæth*, and says it signifies *Capitales inimicitias.* Feud is used in *Scotland*, and the North of *England*, for a Combination of Kinred to revenge the death of any of their Blood, against the killer, and all his race, or any other great enemy. See *Skene verbo Affidatio*, and 43 *Eliz. cap. 13.*

**Feudal.** See *Feodal.*

**Feudary.** See *Feudary.*

**Feud-bote** (Sax. *posethbote*) A recompence for engaging in a Feud or Faction, and for the damages consequent: It having been the custom of ancient times, for all the Kinred to engage in their Kinsmans quarrel, according to that of *Tacitus, de Moribus German. Susci- pere tam inimicitias, seu patri, seu propinqui, quam amicitias, necesse est.* Sax. *Dict.*

**Fidale, Filiale, and Filchale** (Bratt. lib. 3. fol. 117.) A kinde of Computation or Entertainment made by Bailiffs, to those of their Hundreds for their gain; or (according to Sir *Edw. Cokes 4. Instit. fol. 307.*) an Extortion *Colore computationis.* See *Scotale.*

**Fieri facias.** Is a Writ Judicial, that lies at all times within the year and day, for him that hath recovered in an Action of Debt or Damages, to the Sheriff, to command him to levy the Debt or Damages, of his Goods, against whom the Recovery was had. This Writ had beginning from *Westm. 2. cap. 18.* See *Old Nat. Br. fol. 152.* And great diversity thereof in the Table of *Regist. Judic. verbo, Fieri facias.*

**Fifteenth** (*Decima quinta*) Is a Tribute or Imposition of Money laid upon any City, Borough, or other Town through the Realm, not by the Poll, or upon this or that Man, but in general upon the whole City or Town; and is so called, because it amounts to a Fifteenth part of that which the City hath been valued at of old, or to a Fifteenth part of every Mans Goods and Personal Estate, according to a reasonable valuation. This is imposed by Parliament, and every Town, through the Realm, knows what a Fifteenth for themselves amounts unto, because it is always the same: Whereas the *Subsidy*, which is raised of every particular Mans Lands or Goods, must needs be incertain, because every Mans Estate is incertain: And in that regard, the Fifteenth seems to have been a Rate anciently laid upon every Town, according to the Land or Circuit belonging to it, whereof *Camden* mentions many in his *Britann. viz. pag. 171.* Bath geldabat pro viginti bidis, quando scilicet geldabat, and *pag. 181.* Old Sarum pro quinquaginta bidis geldabat, &c. Which Rates were according to *Domesday.* So that this seemed in old time to be a yearly tribute in certainty, whereas now, though the Rate be certain, yet it is not levied, but by Parliament. See *Tax and Quinseme.*

**Fightwite** (Sax.) *Multa ob commissam pugnam in perturbationem pacis. In exercitu Regis 120 Sol. luebatur Fightwita, i. Forisfactura pugnae.* M. S. Codex.

**Filazer** (from the Fr. *Fil*, a Thread, Line, or Siring) Is an Officer in the Court of *Common Pleas* (so called, because he Files those Writs, whereon he makes out Writs or Process) whereof there are fourteen in their several Divisions and Counties. They make out all Writs and Process upon Original Writs issuing out of the *Chancery*, as well Real, as Personal, and mixt, returnable in that Court. And in Actions merely personal, where the Defendants are returned summoned, make out *Pones* or *Attachments*, which being returned and executed, if the Defendant appears not, they make out a *Disfringas*, and so *Ad infinitum*, or until he doth appear: If he be returned *nil*, then Process of *Capias* infinite, if the Plaintiff will, or after the third *Capias*, the Plaintiff may proceed to *Utlary* in the County where his original is grounded, and have an *Exigent* with Proclamation. Also the *Filazers* make forth all Writs of *View* in Real Actions, where the *View* is prayed, and upon *Replevins* or *Recordares*, Writs of *Retorno habendo*, *Second Deliverance*, and Writs of *Wishernam*; in Real Actions,

Actions, Writs of *Grand* and *Petit Cape* before appearance. They enter all Appearances and Special Bails, upon any Process made by them. They make the first *Scire Facias* upon Special Bails, Writs of *Habeas Corpus*, *Disfringas*, *Nuper Vice-comitem vel Balivum*, and *Ducestum*, and all *Superseatas* upon Special Bail or Appearance, &c. Writs of *Habeas Corpus cum Causa* upon the Sheriffs Return, that the Defendant is detained with other Actions, Writs of *Adjournment* of a Term, in case of Pestilence, War, or Publick Disturbance; and (until an Order of that Court, made 14 *Jac.* which limited the *Filazers* to all matters and proceedings before Appearance, and the *Prothonotaries* to all after) did enter Declarations, Imparlanes, Judgments, and Pleas, whereunto a Serjeants hand was not requisite, and made out Writs of Execution, and divers other Judicial Writs after Appearance. And in the *Kings Bench*, of later times, there have been *Filazers*, who make Process upon Original Writs returnable in that Court, upon Actions *Contra Pacem*: The *Filazers* of the *Common Pleas* having been Officers of that Court before the Statute of 10 *Hen. 6. cap. 4.* wherein they are mentioned. F. P.

**Filiolus.** Is properly a little Son, also a Godson. *Sciant — quod ego Johannes Lovet Miles Dominus de Elmecly Lovet, Dedi — Waltero le Blount fratri meo & Johanni Filio suo, Filiolo meo quinddecim solidos annui redditus, &c. Sine dat. Here Filiolus is used for a Nephew; for Walter Blount married the sister of this Sir John Lovet; & unless John the Son, were also Godson to Sir John.*

**Filiale.** See *Sothale* and *Fithale.*

**File** (*Filicium*) A Thread or Wier, whereon Writs or other Exhibits in Courts and Offices are fastned, properly called *Filed*, for the more safe keeping them.

**Finders** (Anno 18 *Edw. 3. stat. 1.* and 14 *Rich. 2. cap. 10.*) Seem to be all one with those, which in these days we call *Searchers.*

**Fine** (*Finis*) Hath divers uses or significations; the first and most noble is, (according to *Glanville, lib. 8. cap. 1.*) *Amicitias compositio & finalis concordia, ex consensu & licentia Domini Regis vel ejus Justiciariorum; or a Covenant made before Justices, and entred of Record for Conveyance of Lands, Tenements, or any thing inheritable, being In esse tempore Finis; to the end, to cut off all Controversies. Et Finis dicitur Finalis Concordia, quia imponit finem litibus, & est exceptio peremptoria, says Bracton, lib. 3. tract. 5. cap. 28. num. 7. See the New Book of Entries, verbo, Fines. And 27 *Edw. 1. stat. 1. cap. 1.* So that this Fine appears to be a Composition or Concord, acknowledged and recorded before a Competent Judge, touching some Hereditament, or thing immovable, that was in controversy between the parties to the same Concord; and that, for the better credit of the transaction, it is by imputation made in the presence of the King, because levied in his Court; and therefore it bindes Women-Co-*

vert, being parties, and others whom ordinarily the Law disables to transact, onely for this reason, That all presumption of deceit or evil meaning is excluded, where the King and His Court of Justice are supposed to be privy to the Act.

Originally the use of this *Final Concord* was instituted and allowed, in regard that, by the Law and ancient course of Proceedings, no Plaintiff (giving Real Security or Sureties, *De clamore suo prosequendo*, and being to be Fined or Amerced by the Judges, if he failed therein, which, as appeareth by the Records of King Edward the First, were duly Estreated and certified into the *Exchequer*) could agree without License of the Court: So as *Fines* have been anciently levied in Personal Actions, and for no greater a sum of Money then xli. But subtilty of Wit and Reason, hath in time wrought other uses of it, viz. To cut off *In-suits*; and with more certainty to pass the interest or title of any Land or Tenement, though not controverted, to whom we think good, either for years or in Fee. In so much as the passing a *Fine*, in most Cases now, is but *Mera sifio Furis*, alluding to the use for which it was invented, and supposing an Action or Controversie, where in truth none is, and so not onely operating a present Bar, and Conclusion against the parties to the *Fine*, and their Heirs; but at five years end, against all others, not expressly excepted (if it be levied upon good consideration and without Covin) as *Women-covert*, Persons under Twenty one years, Prisoners, or such as are out of the Realm, at the time of its acknowledging. Touching which, see the Statutes Anno 1 *Rich. 3. cap. 7.* — 4 *H. 7. cap. 14.* — 32 *Hen. 8. cap. 36.* and 31 *Eliz. cap. 2.*

This *Fine* hath in it five essential Parts, 1. The Original Writ taken out against the Cognizor. 2. The Kings License giving the parties liberty to accord, for which he hath a *Fine*, called the *Kings Silver*, being accounted part of the Crowns Revenue. 3. The Concord it self, which begins thus, *Et est Concordia talis, &c.* 4. The note of the *Fine*, which is an abstract of the Original Concord, beginning thus, *Sc. Inter R. querentem, & S. & T. uxorem ejus deservientem, &c.* (where in stead of *Deservientem*, anciently *Impedientes* was used) 5. The foot of the *Fine* (*Hæc est Finalis Concordia facta in Curia Domini Regis apud Westm. a die Pasche in Quinddecim die, Anno &c.*) includes all, containing the day, year, and place, and before what Justice the Concord was made: *Coke, vol. 6. Casu Ley, fol. 38.*

This *Fine* is either *single* or *double*; a *Single fine* is that by which nothing is granted or rendered back again by the Cognizees to the Cognizors, or any of them. A *Double fine* contains a grant, and render back, either of Some Rent, common, or other thing out of the Land, or of the Land it self, to all or some of the Cognizors for some Estate, finishing thereby many times Remainders to Strangers, not named in the



the Writ of Covenant; and a *Fine* is sometimes called a *double fine*, when the Lands do lie in several Counties. Again, a *Fine* is in its effect, divided into a *Fine executed*, and a *Fine executory*; a *Fine executed* is such, as of its own force gives a present possession (at least in Law) to the Conizee, so that he needs no Writ of *Habere facias Seisinam*, for Execution of the same; but may enter, of which sort is a *Fine Sur cognizance de droit come ceo que il ad de son done*, that is, upon acknowledgment, that the thing mentioned in the *Concord* is, *Jus ipsius cognizati, ut illa que idem habet de dono Cognitoris*. *West. s. 51. h.* The reason is, because this *Fine* passeth by way of Release of that thing, which the Conizee hath already (at least by supposition) by virtue of a former gift of the Conizor. *Coke, lib. 3. Case of Fines, fol. 89. b.* which is, in very Deed, the surest *Fine* of all. *Fines Executory*, are such as of their own force, do not execute the possession in the Cognizees, as *Fines Sur cognizance de droit tantum*, *Fines sur done*, Grant, Release, Confirmation, or Render. For, if such *Fines* are not levied, or such render made to those who are in possession at the time of the *Fines* levied, the Conizees must needs sue out Writs of *Habere facias seisinam*, according to their several Cases, for obtaining their possessions, except at the levying such *Executory fines*, the parties to whom the Estate is limited, be in possession of the Lands passed thereby: For in this Case such *Fines* do enure by way of extinguishment of Right, not altering the Estate or Possession of the Cognizee, but perhaps bettering it. *West. Symbol. s. 20.*

Touching the form of these *Fines*, it is to be considered, upon what Writ or Action the *Concord* is to be made, and that is most commonly, upon a Writ of Covenant, and then there must first pass a pair of Indentures between the Cognizor and Cognizee, whereby the Cognizor Covenants with the Cognizee, to pass a *Fine* to him, of such and such things, by a day limited: As these Indentures are first in this proceeding, so are they said to lead the *Fine*. Upon this Covenant, the Writ of Covenant is brought by the Cognizee against the Cognizor, who thereupon yields to pass the *Fine* before the Judge, and so, the Acknowledgment being Recorded, the Cognizor and his Heirs are presently concluded, and all strangers (not excepted) after five years passed. If the Writ, whereon the *Fine* is grounded, be not a Writ of Covenant, but of *Warrantia Charta*, or a Writ of Right, or of *Messu*, or of Customs and Services (for of all these *Fines* may also be founded, *West. s. 23.*) then this Form is observed; the Writ is served upon the party that is to acknowledge the *Fine*, and then he appearing, doth accordingly. See *Dyer, fol. 179. num. 46.*

*Fines* are now onely levied in the Court of Common Pleas at Westminster, in regard of the solemnity thereof, ordained by the Statute of 18 Edw. 1. Before which time, they were some-

times levied in the County Courts, Court Barons, and in the *Exchequer*, as may be seen in Mr. Dugdale's *Origines Juridiciales* & alibi.

This word *Fine* sometimes signifies a sum of Money, paid for an income to Lands or Tenements let by Lease, anciently called *Gersuma*, sometimes an amends, pecuniary punishment, or recompence upon an offence committed against the King, and his Laws, or a Lord of a Mannor. In which case a Man is said *Facere Finem de transgressionem cum Rege*, &c. *Reg. Jud. fol. 25. a.* Of the diversity of these *Fines*, see *Crompton's Just. of Peace, fol. 141. b.* 143, 144. and *Lamb. Eiren. lib. 4. cap. 16.* But in all these diversities of Uses, it hath but one signification, and that is a *Final conclusion* or end of differences between parties. And in this last sense, wherein it is used for the ending and remission of an Offence, *Bracton* hath it (*lib. 2. cap. 15. num. 8.*) speaking of a *Common Fine*, that the County pays to the King, for false judgments, or other Trespases, which is to be Assessed by the Justices in Eyre before their departure, by the Oath of Knights, and other good men, upon such as ought to pay it; with whom agrees the Statute 3 Edw. 1. cap. 18. There is also a *Common fine* in *Leets*, see *Kitchin, fol. 13. Vide Common Fine. Fleta, lib. 1. cap. 48.* and *Coke on Litt. fol. 126. b.*

*Fines for Alienation*, Are reasonable *Fines* paid to the King by his Tenants in Chief, for License to *Alien* their Lands, according to the Stat. 1 Edw. 3. cap. 12. But see the Stat. 12 Car. 2. cap. 24.

*Fines pro Licentia Concordandi.* Anno 21 Hen. 8. cap. 1. See *Fine*.

*Fine force* (from the Fr. *Fin*, i. crafty or subtil, and *force*, i. vi) Seems to signify an absolute necessity or constraint, not avoidable; and in this sense it is used, *Old Nat. Br. fol. 78.* And in the Stat. 35 Hen. 8. cap. 12. in *Perkins, Dower, fol. 321.* *Plowden, fol. 94.* *Coke, vol. 6. fol. 111. a.*

*Fine annullando lebatu de tenemento quod fuit de antiquo Dominico*, Is a Writ to Justices, for disannulling a *Fine* levied of Lands holden in Ancient Demesne, to the prejudice of the Lord. *Reg. of Writs, fol. 115. b.*

*Fine Capiendo pro terris, &c.* Is a Writ lying for one, who upon Conviction by a Jury, having his Lands and Goods taken into the Kings hand, and his body committed to prison, obtains favor for a sum of Money, &c. to be remitted his imprisonment, and his Lands and Goods to be re-delivered to him. *Reg. of Writs, fol. 142. a.*

*Fine lebandu de tenementis tentis de Rege in Capite, &c.* Was a Writ directed to the Justices of the Common Pleas, whereby to License them to admit of a *Fine* for the sale of Land holden in *Capite*. *Reg. of Writs, fol. 167. a.*

*Fine non capiendu pro pulchre placitando*, Is a Writ to inhibit Officers of Courts to take *Fines* for fair pleading. *Reg. of Writs, fol. 179.*

*Fine*

*Fine pro reddituina capienda, &c.* Is a Writ lying for the release of one laid in prison for a Re-diffisin, upon a reasonable *Fine*. *Reg. of Writs, fol. 222.*

*Finoes of Gold and Silver*, Are those that purify and part those Mettals from other courser, by Fire and Water. Anno 4 Hen. 7. cap. 2. They are also called *Parters* in the same place, and sometimes *Departers*.

*Firehole*. See *Fridhole*.

*Firebare* — *Quod sine dilacione levare & reparari fac. signa & Firebares* super montes altiores in quolibet Hundredo: Ita quod tota patria, per illa signa, quoscunque necesse fuit, pramuniri potest, &c. Ordinatio pro vigil. observand. a Lynne usque Yermouth, temp. Ed. 2. Perhaps from the Saxon *Fyretop*, a Beacon or a High Tower by the Sea-side, wherein were continual Lights, either to direct Sailors in the Night, or give warning of the Enemy.

*Firebote* (Sax.) Signifies allowance of Wood or Estovers, to maintain competent Fire for the use of the Tenant. See *Haybote*.

*Firma*, see *Firme*. *Ad firmam nobis* was a Custom or Tribute paid towards the entertainment of the King for one night, according to *Domesday*. Comes Meriton T. R. E. (i. tempore Regis Edvardi Conf.) reddebat firmam unius nobis, i. Provision or Entertainment for one night, or the value of it. *Firma Regis*, anciently, *Pro villa Regia*, seu *Regis Manerio*. *Spel.*

*First-fruits* or *Annates* (*Primitie*) Are the Profits, after Avoidance, of every Spiritual Living for one year, given in ancient time to the Pope throughout all Christendom, but by the Stat. 26 Hen. 8. cap. 3. translated here in England to the King: For ordering whereof, there was a Court erected 32 Hen. 8. cap. 45. but dissolved, 1 Mar. Suff. 2. cap. 10. And since that time, though those Profits are reduced again to the Crown, 1 Eliz. cap. 4. yet was the Court never restored, but all matters, formerly handled therein, were transferred to the *Exchequer*. See *Annates*.

*Fish-garth* (Anno 23 Hen. 8. cap. 18.) A Dam or Wear in a River, made for the taking of Fish; especially in the Rivers *Ouse* and *Humber*. See *Garth*.

*Fithwoite*, *Rekins Fithwoite*, a Sax. Feoluc, pugna, and *picc*, multa; multa ob commissam pugnam in perturbationem pacis publicae. *Fithwoite*, i. si pugnaverint & percussiverint se, quamvis sanguinem non extraxerint, Prior habebit inde amerciamenta. Ex Registro Priorat. de Cokesford.

*Fledwoite* or *Flightwoite* (Sax. Flyht, fuga & *picc*, multa) Signifies, in our ancient Laws, a Discharge or Freedom from Amerciements, when one, having been an outlawed Fugitive, comes to the Peace of our Lord the King, of his own accord, or with licence. Thus *Rassal*. But *Quere*, whether it does not rather signify a Mult or Fine set upon a Fugitive?

*Flet* (Sax. Fleot, i. A place, where the Water ebbs and flows, a running Water) A famous Prison in London, so called from the River, on the side whereof it stands. To this Prison, Men are usually committed for contempt to the King, and his Laws, or upon absolute command of the King, or some of His Courts, or lastly for Debt, when Men are unable, or unwilling to satisfy their Creditors.

*Flem* and *Fleth*. (Sax. *Flema*, an Outlaw, and *Flet*, a House) In *Placito de quo Warranto Abbas de Burgo dicit quod clamat annum & vastum & medium tempus per hac verba Flem & Fleth*. Trin. 7 Edw. 3.

*Flemaface* (from the Sax. *Flema*, a Fugitive, or Outlaw, and *face*, to kill or slay) By virtue of this word were claimed *Bona felonum*, as appears upon a *Quo Warranto*, Temp. Edw. 3. See *Keyways Rep. fol. 145. b.*

*Flemenesrinthe* (*Rekins Fymenafymrinthe*, A Sax. *Flyma*, i. Fugitivus & *Fyllinthe*, susceptor, admissio. LL. Ina. cap. 29. & 47. LL. etiam Hen. 1. cap. 10. 12.) Signifies the receiving or relieving a Fugitive. — Cum *Sacha & Socha*, *Tol & Team*, *Infangenethof* & *Flemenesfyrinthe* & *Griðbreche*, *Egðstal*, *Hamsconfe*, *Blodwite*, *Ordel & Orefte*. Carta Edw. Conf. Monasterio de Waltham. I finde this word often in ancient Charters erroneously written: As *Flemenesferd*, *Flemenesfrit*, *Flemenesfremeth*, *Flemensfrit*, *Flemenesfremeth*, *Flemensfrit*, *Flemenesfrit*. All doubtless intended for the same thing.

*Flemenesfreme* and *Flemenesfrenthe*, Interpretantur *catalla fugitivorum*. Mich. 10 H. 4. Hertf. 59. Coram Rege, Rot. 59. See *Flemenesfyrinthe*.

*Flemeswoite* (Sax.) Signifies a Liberty or Charter, whereby to challenge the Cattle, or Amerciements of your Man a Fugitive. *Rassals Exposition of words*. *Fleta* writes it two other ways, viz. *Flemenesfreme* and *Flemenesfrithe*, and interprets it, *Habere catalla fugitivorum*, lib. 1. cap. 47. See *Flem*, and *Flemenesfyrinthe*.

*Fletwoite* (Sax.) Est multa uislagatis & fugitivis indicta, ob veniam & pacem Regis impetrandam. See *Fledwoite*.

*Fliberhyft*, otherwise called *Shovegroate*, Is the same game we now call *Shovelboard*, and mentioned 33 Hen. 8. cap. 9. This should rather have been called *Slidabrist*.

*Flicthwoite* alias *Flitwoite*, (from the Sax. *Flic*, Convention or Strife) Significat multam ob contentiones, rixas & jurgia impostam, & cui hæc à Principe conceduntur, potest in Curia sua cognoscere de hujusmodi transgressionibus, vel multas inde provenientes in Curia Regis, & delinquentibus exigere & sibi retinere. Thus *Spelman*. *Flitwoite*, i. Quod Prior &c. necat Placita in Curia sua de contentione & conviciis hominum suorum & habeat inde Amerciamenta. Ex Reg. Priorat. de Cokesford.

*Flozences* (Anno 1. Rich. 3. cap. 8.) A kinde of Closh so called.

**Flotages** (Fr. *Flotage*, i. a Floating or Swimming on the top) Are such things, as by accident float or swim on the top of the Sea, or great Rivers. I have seen the word used in the Commission of a Water-Bailiff.

**Flotton** alias **Flotzan** (from the Sax. *fleoten*, i. *natare*) Is a word proper to the Seas, signifying any Goods lost by Shipwreck, and which lie floating or swimming on the top of the Water, which with **Netton**, **Lagon**, and **Shares**, are given to the Lord Admiral by his Letters Patent. *Fetson* is any thing cast out of the Ship, being in danger of Wreck, and beaten to the shore by the Waves, or cast on it by the Mariners. *Coke*, vol. 6. fol. 106. a. *Lagon*, alias *Lagan* vel *Ligam*, Is that which lies in the bottom of the Sea. *Coke*, *ibid.* *Shares* are Goods due to more by proportion.

**Foder** (Sax. *fōðre*) Any kinde of Meat for Horses or other Cattle. See **Forage**. But among the Feudists it is used for a Prerogative that the Prince hath, to be provided of Corn, and other Meat for His Horses by His Subjects, in His Wars, or other expeditions. *Hotoman* de verbis feudali. See **Fother**. — *Nec non redditus qui dicuntur Hidagium & Foddercozn in perpetuum Abbatibus* (de S. Edmundo) designantur. Mon. Angl. 1 Part. fol. 297. a.

**Fogage** (*Fogagium*) Fog or Feg, rank Grass not eaten in Summer. LL. *Forestar. Scot.* cap. 16.

**Felle-lands** (Sax.) Copihold Lands were so called in the time of the Saxons, and Charter-Lands were called **Woc-lands**. *Kitchin*, 174. *Fundus sine scripto possessus* (says Master Somner) censum pensitans annuum, & officiorum servitium obnoxius. *Terra Popularis*.

**Folcmote** and **Folkesmote** (Sax. *Folc-gemot*, i. *Convontus populi*) Signifies (according to Lambert) two kinde of Courts, one now called the County Court, the other the Sheriffs Turn. The word is still in use among the Londoners, and signifies *Celebrem ex omni Civitate conventum*. Stow in his Survey. But *Manwood* says, It is the Court holden in London, wherein all the folk and people of the City did complain of the Major and Aldermen for any misgovernment. Mr. Somner in his *Saxon Dictionary* says, It is a general Assembly of the people for considering and ordering Matters of the Commonwealth. *Omnes proceres Regni & Milites & liberi homines universi totius Regni Britannia facere debent in pleno Folcmote fidelitatem Domino Regi, coram Episcopis Regni*. In Leg. Edw. Confess. cap. 35.

**Fold-courte** (*Croke*, 2 Part. fol. 432.) See **Faldage**.

**Folgeres** or **Folgeres** (from the Sax. *folgern*, i. to follow) Are properly followers; but *Bracton* (lib. 3. tract. 2. cap. 10.) says it signifies, *Eos qui aliis deserviunt*. Vide LL. Hen. 1. cap. 9.

**Footgeld**. See **Foutgeld**.

**Foot of the Pine**. See **Chirographer**.

**Forage** (Fr. *Fourage*) Fodder for Cattle. *Celles sont les Covenants faites le Vendredi prochain devant la Feste de Seinte Jake l'Apollie*.

20 Edw. 3. *Perentre Nichol de Stone d'une parte & John de Blount d'autre parte*. — *Et le dit John trovera au dit Nichol herbe & fegn & Forage pour un Hakeney & deux vaches*, &c. Penes Wal. Kirkham-Blount Bar.

**Fozathe**. *Liberalis autem homo, i. Pegen. odd crimen suum non sit inter majora, habeat fidelem hominem qui possit pro eo jurare juramentum, i. Fozathe. Si autem non habet, ipsemet juret, nec perdonetur ei aliquod juramentum*. Constitut. Canuti de Foresta, sect. 12.

**Fozbarre** or **Fozebar**, Is to Bar or deprive for ever. Anno 9 R. 2. cap. 2. and 6 H. 6. cap. 4.

**Fozbusher of Armoz** (*Forbator*) *Si quis forbator arma alicujus suscepit, ad purgandum*, &c. LL. Aluredi. M. S. cap. 22.

**Force** (Fr.) Is most usually applied to the evil part, and signifies unlawful violence, *West* defines it to be an offence, by which violence is used to things or persons. *Parte 2. Symbol. tit. Indictments*, sect. 65, where he also divides it into Simple and Compound: Simple force is that which is so committed, that it hath no other crime annexed to it; as if one by force do onely enter into another Mans possession, without doing any other unlawful act. *Mist* force is when some violence is committed with such a fact, as of it self onely is criminal: As, if any by force enter into another Mans possession, and kill a Man, or ravish a Woman, &c. He further divides it into *True* force, and *Force after a sort*, and so proceeds to divers other Branches, worth the reading, as forcible Entry, forcible Detaining, unlawful Assembly, Riots, Riots, Rebellions, &c.

**Forcible detaining**, or **with-holding possession**, Is a violent act of resistance, by strong hand of Men weaponed, or other action of fear in the same place or elsewhere, by which the lawful Entry of Justices, or others, is hard or hindered. *West*, pa. 2. *Symbol. tit. Indictments*, sect. 65. *Cromptons Just. of Peace*, fol. 59.

**Forcible Entry**, (*Ingressus manu forti factus*) Is a violent actual entry into House or Land, &c. or taking a distrefs being weaponed, whether he offer violence or fear of hurt to any there, or furiously drive any out of possession. *West* and *Crompton* ut supra. It is also used for a Writ grounded upon the Stat. 8 Hen. 6. cap. 9. whereof read *Fitz. Nat. Br.* at large, fol. 248. *New Book of Entries*, verbo, *Forcible Entry*, and *Lamberts Eiren*. lib. 2. cap. 4.

**Fozeclosed** (*Anno 33 Hen. 8. cap. 39.*) Barred, shut out, or excluded for ever. 2 Part. *Inst.* fol. 298.

**Fozegoers**, Were Purveyors, otherwise called, *Going before* the King in Progress, to provide for Him. Anno 36 Edw. 3. cap. 5.

**Forein** (Fr. *Forain*, Lat. *Forinsecus*) Is in our Law joyned with divers Substantives in Senses, not unworthy the Exposition: As *Forein Matter*, that is matter triable in another County (*Pl. Cor.* fol. 154.) or matter done in another County. *Kitchin*, fol. 126.

*Forcin*

**Forein Plea**, Is a refusal of the Judge, as incompetent, because the matter in question is not within his Jurisdiction. *Kitchin*, f. 75. Anno 4 Hen. 8. cap. 2. And 22 *Ejusdem*, cap. 2. & 14.

**Forein Answer**, Is such an Answer as is not triable in the County where it is made. 15 Hen. 6. cap. 5.

**Forein Service**, Is that, whereby a Mean Lord holds over of another, without the compass of his own Fee, (*Broke*, tit. *Tenures*, fol. 28, 95, 251. num. 12. & 28. *Kitchin*, fol. 209.) or else that which a Tenant performs either to his own Lord, or to the Lord Paramount out of the Fee. Of which Services, thus *Bracton*, (lib. 2. cap. 16. num. 7.) *Item sunt quadam servitia, que dicuntur forinseca, quamvis sunt in charta de Feoffamento expressa & nominata; & que ideo dici possunt forinseca, quia pertinent ad Dominum Regem, & non ad Dominum capitalem, nisi cum in propria persona profectus fuerit in servitio, vel nisi cum pro servitio suo satisfecerit Domino Regi quocunque modo, & sunt in certis temporibus, cum casus & necessitas evenit, & varia habent nomina & diversa: Quandoque enim nominantur forinseca, large sumpto vocabulo, quoad servitium Domini Regis, quandoque Scutagium, quandoque servitium Domini Regis, & ideo forinsecum dici potest, quia sit & capitul foris, sive extra servitium quod sit Domino capitali. Forein Service, seems to be Knights-service or Escheage uncertain. *Perkins, Reseruation*. 650. — *Salvo forinseco servitio*. Mon. Angl. 2 Part. fol. 637. b.*

**Forein Attachment**, Is an Attachment of Forciners Goods found within a Liberty, or a City, for the satisfaction of some Citizen, to whom the Forciner is indebted. At *Lemphar* (anciently *Leominster*) there is the Borough and the Forein; which last, is within the Jurisdiction of the Mannor, but not within the Bailiwick of the Boroughs Liberty.

**Forein Opposer** or **Apposer** (*Forinsecarum Oppositor*) Is an Officer in the Exchequer, to whom all Sheriffs, after they are apposed of their sums out of the Pipe Office, do repair to be opposed by him of their Green Wax. He examines the Sheriffs Estreats with the Record, and apposeth the Sheriff, what he says to every particular sum therein. *Practise of the Exchequer*, fol. 87. See 4 *Inst.* fol. 107.

**Fozera**, *Terra transforialis, seu Capitalis*, A Head-land, or (as they vulgarly call it) *Head-land*. — *Uno capite abutante super Foram Rogeri Attecastel*. Carta de Anno 47 Edw. 3. Penes Tho. Wollascot, Arm.

**Fozett** (*Foresta*) Signifies a great or vast Wood; *Locus silvestris & saltuosus*. Our Law-writers define it to be *Locum, ubi fore inhabitant vel includuntur*. Others say it is called *Foresta*, quasi, *Forarum statio, vel tuta mansio forarum*. *Manwood* in his second Part of *Forest Laws*, cap. 1. defines it thus. A Forest is a certain Territory of Woody Grounds, and Fruitful Pastures, privileged for Wilde Beasts and Fowls of Forest, Chase, and Warren, to rest in and abide, in the safe Protection of the King, for His Princely

delights; meered and bounded with unremovable Marks, Meers and Boundaries, either known by Matter of Record or Prescription; replenished with Wilde Beasts of Venary or Chase, and with great Coverts of Vert, for succor of the said Beasts. For preservation and continuance of which place, with the Vert and Venison, there are certain particular Laws, Priviledges, and Officers, belonging onely thereto.

Its properties are these: First, A Forest, as it is truly and strictly taken, cannot be in the hands of any, but the King; because none hath power to grant Commission to be a Justice in Eyre of the Forest, but the King. (Yet the Abbot of Whisby had a Forest by Grant of Henry the Second, and King John, with all Officers incident thereto. 4 *Inst.* fol. 305. & 314.) The second property is the Courts, as the Justice Seat, every three years; the Swainmote thrice every year, and the Attachment, once every forty days. The third, may be the Officers belonging to it, for preservation of the Vert and Venison: As first, the Justices of the Forest, the Warden or Keeper, the Verderers, the Foresters, Agistors, Regarders, Bailiffs, Bedels, and such like, which see in their places. See *Manwood*, pa. 2. cap. 1. num. 4 & 5. But the most especial Court of a Forest, is the Swainmote, which is no less incident to it, then the Court of *Pye-Powders* to a Fair. If this fail, then is there nothing of a Forest remaining, but it is turned into the nature of a Chase. There are reckoned to be in England Sixty eight Forests. For the ascertaining the Meets and Bounds of Forests. See Anno 17 *Cur.* 1. cap. 16.

**Fozestagium**, — *Et sint quieti de Theoloneo & Passagio, & de Forestagio, & Theoloneo aquarum & viarum Forestam meam contingentium*. Carta 18 Edw. 1. m. 10. n. 30. Seems to signify some duty or tribute payable to the Kings Foresters; as *Chiminage*, or such like.

**Fozestall**. See **Fozstal**.

**Fozester**, (*Forestarius*) Is a Sworn Officer of the Forest, appointed by the Kings Letters Patent to walk the Forest both early and late, watching both the Vert and the Venison, attaching and presenting all Trespassers against them, within their own Bayliwick or Walk; whose Oath you may see in *Crompton*, fol. 201. And, though these Letters Patent are ordinarily granted, but *quam diu se bene gesserint*, yet they are granted to some and their heirs, who are hereby called Foresters, or *Fozsters* in Fee. (*Idem* fol. 157 and 159. And *Manwood*, Part. 1. pa. 220.) whom, in Latin, *Crompton* calls *Forastarium Feudi*, fol. 175.

**Foze-judging** or **Fozjudging**, (*Forjudicatio*) Signifies a Judgment, whereby a Man is deprived, or put by the thing in question. *Bracton*, (lib. 4. *Tract.* 3. ca. 5.) has these words, — *Et non permittas quod A, capitalis, Dominus Feudi illius, habeat custodiam heredis, &c. quia in Curia nostra forisjudicatur de custodia, &c.* So does *Kitchin* use it, fol. 29. and *Old Nat. Br.* fol. 44 and 81. And the Stat. 5 Ed.

5 Ed. 3. ca. 9. and 21 R. 2. ca. 12. *Forjudicatus*, with Authors of other Nations, signifies as much as banished, or as *Deportatus* in the ancient Roman-Law, as appears by *Vincentius de franchis Descl.* 102.

**Forjudged the Court,** Is, when an Officer of any Court is banished, or expelled the same, for some offence, or for not appearing to an Action by Bill filed against him; and, in the later, he is not to be admitted to Officiate, till he shall appear to the Bill. *Anno 2 Hen. 4. ca. 8.* — **He shall lose his Office, and be forjudged the Court,** &c. *Forjudicare interdum est male judicare, Spel.*

**Forfang & Forfeng,** (A Sax. Pope, ante, *For* Gen, *prendre*,) *est captio obsequiorum, que in foris aut mundanis ab aliquo fit, priusquam minister Regis ea cepit qua Regi fuerint necessaria. Antecapitio.* — *Et sint quatuor de Wardwite, & de utlewe & Forbenge & Withtange,* &c. *Carta Hen. 1. Hosp. Sancti Barth. Lond. An. 1133.*

**Forfeiture,** (*Forisfactura*,) comes of the French *Forfait*, i. *Seclus*; but signifies with us, rather the effect of transgressing a Penal Law, then the transgression it self, as *forfeiture of Escheats*, *Anno 25 Edw. 3. ca. 2. Stat. de Proditionibus.* Goods confiscated and goods forfeited differ. *Stam. Pl. Cur. fol. 186.* where those seem to be forfeited that have a known owner, who has committed some offence, whereby he loseth his Goods; *Confiscate*, are those, that are disavowed by an Offender, as not his own, nor claimed by any other. But, *Forfeiture* is rather more general, and *Confiscation* particular to such as forfeit onely to the Princes Exchequer. *Full forfeiture*, (*plena forisfactura*) otherwise called *plenaria*, Is a forfeiture of life and member, and all else that a man hath. *Manwood, Part. 1. pa. 341.*

**Forfeiture of Marriage,** (*Forisfactura Maritagii*,) Is a Writ which lay against him, who, holding by *Knights-service*, and being under age, and unmarried, refused her, whom the Lord offer'd him, without his disparagement, and married another. *Fitz. Nat. Br. fol. 141. Reg. of Writs, fol. 163. b.*

**Forfeng, forfeng, & Forbenge,** *Quicquid tantum prius prisce designat; In hoc enim delinquent Burgenfes Londonenses cum prius suas ante prius Regis faciunt.* *Fleta, lib. 1. ca. 47. See Forfang.*

**Forger of false Deeds,** (from the French, *Forger*, i. To heat on an Anvil, or bring into shape,) Signifies either him that fraudulently makes and publishes false Writings, to the prejudice of any mans right, or else the Writ that lies against him, who commits this offence. *Fitz. Nat. Br. fol. 96. b. faves*, That a Writ of Deceit lies against him, who commits this offence; and, the penalty of it is declared in the Stat. 5 Eliz. ca. 14.

**Forlandum,** — *Et de duobus Forlandis xvi denarios, sc. de Forlando Johannis Wauker, quod jacet ante terram Ecclesie, viii denarios.* *Mon. Angl. 2 Part. fo. 332.*

**Formdon,** (*Breve de forma donationis*,) Is a Writ that lies for him, who has right to any Lands or Tenements, by virtue of any *Intail*, growing from the Stat. of *Westm. 2. ca. 1.* There are three kinds of it, viz. *Forma Donationis*, or, *Formdon in the Descender*, *Formdon in the Reverter*, and *Formdon in the Remainder*. *Formdon in the Descender* lies for the recovery of Lands, &c. given to one and the heirs of his body, or, to a Man and his Wife, and the heirs of their two bodies, or to a Man and his Wife, being Cofin to the Donor, in Frank-Marriage, and afterwards alienated by the Donee. For, after his decease his heir shall have this Writ against the Tenant or Alienee.

*Fitz. Nat. Br. fo. 211, 217. and 214.* makes three sorts of this *Formdon in the Descender*: The first is in the manner now express'd; The second for the heir of a Co-parcener, that aliens and dies; The third he calls *Infimul tenuit*, which lies for a Co-parcener, or heir in *Gavelkind*, before partition, against him to whom the other Co-parcener or heir has alienated, and is dead. *Formdon in the Reverter* lies for the Donor or his heirs, (where Land is entailed to certain persons, and their Issue, with condition, for want of such issue, to revert to the Donor and his heirs,) against him to whom the Donee alienateth, after the issue extinct, to which it was entailed. *Formdon in the Remainder*, lies, where a Man gives Lands in Tayle, the Remainder to another in Tayle, and afterwards the former Tenant in Tayle dies without issue of his body, and a stranger abates, then he in Remainder shall have this Writ. *Reg. of Writs, fol. 238. 242.* Of this see also the *New Book of Entries*, verbo, *Formdon*, and *Coke on Litt. fol. 326. b.*

**Fornagium,** (Fr. *Fournage*,) — *Et Dominus Rex provide amittit per an. de exitibus Fornagii sui x. libras.* *Pl. coram Rege & ejus Concil. in Parl. 18 Ed. 1. in Turr. Lond.* It signifies the Fee taken by a Lord of his Tenants, bound to Bake in his common Oven, (as is usual in the North of England,) or for a permission to use their own; also Chimney-Money, or Harth-silver. See *Furnage*.

**Fornication,** (*Fornicatio*, *Anno 1 Hen. 7. ca. 4.*) Whoredom, the Act of Incontinency, in single persons; for, if either party be Married, it is *Adultery*; The first offence herein was punish'd with three Months Imprisonment, the second was made Felony, by a Rump-Act. *Scobels Collection, Anno 1650, ca. 10.*

**Suffex.** *Præceptum est Vic. quod venire facias Juratores, qui in Assisa Nov. Disselsina dubium fecerunt Sacramentum tangen. quandam Agnetam quam dixerant esse filiam Simonis de Punde patris prædictæ Agnetæ, & non dixerint esse herodem. Et in eo quod dixerint quod Matilda, quæ fuit mater Agnetæ, fuit uxor dicti Simonis, & non dixerunt utrum Patria habebat eam ut uxorem ejus. Qui Juratores dicunt quod prædictus Simon semper tenuit dictam Matildam ut uxorem suam, & dicunt quod nunquam dictam*

*dictam Matildam, matrem dictæ Agnetæ desponsavit; Sed dicunt quod prædictus Simon aliquo tempore captus fuit per amicos prædictæ Matildæ in Camera Fornicando cum ipsa Matilda, per quod compellatur unum de tribus facere, uxorem vel ipsam affidare, vel vitam suam amittere, vel ipsam Matildam retro osculare; ita quod ipse Simon ibidem dedit fidem suam prædictæ Matildæ, matri prædictæ Agnetæ, quod ipsam desponsare debuit, sed ipsam nunquam alio modo desponsavit, &c. Ideo prædicta Matilda de Kingstord soror prædictæ Simonis recepit seisin. de 1 Messuag. &c. in Shepley, &c. Adam Gurdon & alii in misericordia. Pasch. 4 Ed. 1. Rot. 7. Suffex.*

**Forprise,** (*Forprisum*, from the Fr. *For*, i. Extra & *Prise* captio,) An exception, or reservation; In which sense it is used in the Stat. of *Exon. 14 Edw. 1.* but there written *Horseprise*: We still use it in Conveyances and Leases, wherein *Excepted* and *Forprised* is an usual expression.

*C'est Indenture fet entre Monsieur John Blount Chevalier le Esque d'une part, & Dame Johan Foulshurst à autre part, Tesmoigne, que meisme les parties sont issint assentuz, accordex, & assurez, que John Blount fils & heir a dict Monsieur John deuy espousera, & prendra a femme Isabel la fille de dite Dame du si briefe & deue temps, que la dite Dame a ces propres custages videra ordeigner & feire, issint que le dit Dame paye a dit Monsieur John xxx Markes a temps de l'espousels, & xl. Livres a certeyne de pay, compris en un Obligation, le quelle le dit Dame a fait a dit Monsieur John, &c. Pour quel payment le dit Monsieur John enfeoffera ou fera enfeoffer les susdits John son fils, & la dite Isabel de son Manner joustte Utteskefather, appelle Blounts place, ensemblement ove toutes autres terres, tenements, rentes, services, &c. Forprise le Parke, &c. appelle Blounts Parke, &c. A avoir, & tener a dit John son fils, & Isabel & les beyres que meismes cely John des Corps de meisme cely Isabel engendera, &c. Donne sous les sceales, &c. le jour de St. Luke, L' an de R. le Roy Henry 4 disme. Penes Wal. Kirkham-Blount Baronet.*

**Forrein,** Used for *Forreiner*. *Anno 34 & 35 Hen. 8. ca. 18.* See *Forcin*.

**Forschoke,** (*Derelictum*,) Signifies originally as much as *forsoaken* in our modern language. It is specially used in one of our Statutes, for Land or Tenements seized by the Lord, for want of Services due from the Tenant, and so quietly held and possessed beyond the year and day. As if we should say, that the Tenant, who, seeing his Land or Tenements taken into the Lords hand, and possessed so long, takes not the course appointed by Law to recover them, does, in due presumption of Law, disavow or

forfake all the right he has to them; And then such Lands shall be called *Forschoke*, *fayes* the Stat. 10 Edw. 2. ca. unico.

**Forsles,** (*Catadupe*,) Water falls. *Cam. Brit. tit. Westmorland.*

**Forstall,** (*Forstallamentum*,) Is to be quit of Amerciaments and Cattel arrested within your Land, and the Amerciaments thereof coming, *fayes* the *Termes of the Law*: But, the Learned *Spelman* *fayes*, 'tis *Via obstructio*, vel *inineris interceptio*; with whom agrees *Coke on Litt. fol. 161. b.* In *Domesday* 'tis written *Foristel*. — *Dedique eis Forstallum, quod est ante portum ipsorum, liberum atque quietum, & terram quæ jacet ex utraque parte ejusdem Forstalli, &c.* *Mon. Angl. 2 Part. fol. 112. 60.*

**Forstalling,** (*Viarum obstructio*, a Sax. *fap*, i. *Via*, & *fcel*,) Signifies the buying or bargaining for any Corn, Cattel, or other Merchandise, by the way, before it comes to any Market or Fair to be sold, or by the way, as it comes from beyond the Seas, or otherwise, toward any City, Port, Haven, or Creek of this Realm, to the intent to sell the same again at a more high and dear price. *51 H. 3. Stat. 6. West. Part. 2. Symbol. tit. Inditeiments, Sect. 64.* — *Forstaller*, (in *Cromptons Jurisd. fol. 153.*) Is used for stopping a Deer, broken out of the Forest, from returning home again, or laying between him and the Forest, in the way he is to return. *Fleta* *fays*, *Significat obstruionem via vel impedimentum transitus & fuge averiorum*, lib. 1. ca. 47. See *Regrators & Engrossers*. Who shall be adjudged a *Forstaller* see in 5 & 6 Edw. 6. ca. 14. *Forstal* *est*, si aliquis portaverit Halce vel hujusmodi res ad forum, & statim alius venerit & emerit ab ipso silas res; ut carius vendat, Prior habebit emendas ab ipso. Ex Reg. Priorat. de Cokesford. See 3 Part. Inst. fol. 195.

**Fortiltip,** (*Fortalium vel Fortelerum*,) — *Within the Towns and Fortilities of Berwick and Carlisle.* *Anno 11 Hen. 7. ca. 18.* Signifies a fortify'd place, a Bulwark, Castle, or Fortlet.

**Fortlet,** (Fr.) A place of some strength, a little Fort. *Old Nat. Br. fol. 45.*

**Fossa et Furca.** See *Furca*.

**Fossatum,** (Lat.) A Ditch, or a place fenced with a Ditch or Trench. — *Ex dono Hen. Regis avi nostri unum Fossatum tam largum, quod naves possint ire & redire a flumine de Withonia usque ad Topholme.* *Carta 20 Hen. 3. m. 9.* where it seems to signifie a (cut) River.

**Fosse-way,** (from *Fossus*, digged,) Was anciently one of the four grand High-ways of England; so called, because 'tis conceav'd to be digg'd, or made passable by the ancient Romans, or Ditch'd at least on one side, but, now several inferior High-ways are so called. See *Watlingstreet*.

**Fosterland,** (Sax.) Land-given, assigned, or allotted to the finding of Food or Victuals, as in Monasteries for the Monks.

**Fotber or Fodder** (Sax.) Is a Weight (of Lead) containing Eight Pigs, and every Pig One and twenty Stone and a half, which is about a Tun, or a common Wain or Cart Load. *Speight in his Annotations upon Chaucer.* I finde also in the *Book of Rates*, mention of a *Fodder of Lead*, which (according to *Skene*) is about Sixscore and eight Stone.

**Founder** (from *fundere*, to, pour) Is he that melts Metal, and makes any thing of it, by pouring or casting it into a Mold. *Anno 17 Rich. 2. cap. 1.*

**Fourcher** (Fr. *fourchir*, i. *Titubare lingua*) Signifies a putting off, prolonging or delay of an Action: And it appears no unpleasant Metaphor; for, as by stammering we draw out our speech, not delivering that we have to say, in ordinary time, so by *fourching*, we prolong a sute that might be ended in a shorter space. In *Westm. 1. cap. 42.* you have these words, *Coparceners and Copntenants shall no more fourch, but onely shall have one Asson.* &c. And *Anno 6 Edw. 1. cap. 10.* it is used in the same sense. — **The Defendants shall be put to answer without fourching,** &c. *Anno 23 Hen. 6. cap. 2* See 2 Part. Inf. fol. 250.

**Footgeld or Footgeld** (Compounded of two German words, *fouq*, i. *per*, and *geldan*, i. *solvere*, q. *pedis redemptio*) Signifies an Accomment for not cutting out the Balls of great Dogs Feet in the Forest. See *Expediatur*. And to be quit of *Footgeld*, is a privilege to keep Dogs within the Forest, unlawd, without punishment or control. *Crompton Jurisd. fol. 197. Manwood, part 1. pag. 86.* This privilege was allowed in *Assis. Forest. de Pickring. 10 Edw. 3.*

**Fowles of Warren.** See *Warren*.

**Frampole Fences,** Are such Fences as any Tenant, in the Mannor of *Whitell in Essex*, hath against the Lords Demesns; whereby he hath the Wood growing on the Fence, and as many Trees or Poles, as he can reach from the top of the Ditch with the Helve of his Ax, towards the repair of his Fence. I have heard the late Cheif Justice *Brampton*, whilst he was a Practiser and Steward of this Court, did acknowledge he could not finde out the reason why these Fences were called *Frampole*. *Epam* in Saxon signifies *from*, which seems to make out the etymology; or it may come from the Sax. *Fremful*, profitable.

**Franchise** (Fr.) Is sometimes taken for a privilege or exemption from Ordinary Jurisdiction, and sometimes an immunity from tribute. It is either Personal or Real, (*Crompt. Jurisd. fol. 141.*) that is, belonging to a person immediately, or else by means of this or that place, or Court of Immunity, whereof he is either Cheif, or a Member. In what particular things *Franchises* commonly consist, see *Britton, cap. 19. Franchise Royal* (*Anno 15 Rich. 2. cap. 4. and 2 Hen. 5. cap. 7. in Fine*) Seems to be that where the Kings Writ runs not, as *Chester and Durham*, which are called *Seignories Royal*, *Anno 28 Hen. 6. cap. 4.* And formerly

*Tyndall and Examsbire in Northumberland. 2 Hen. 5. cap. 5. Franchise Royal* (according to another Author) is where the King grants to one and his heirs, that they shall be quit of Toll, or such like. See *Franchise* in the *New Book of Entries*, and *Bracton, lib. 2. cap. 5.* See *Sac.*

**Francigena.** See *Engleccerie*.

**Franchising.** *Qui liber tenet.* A Freeholder. *Vide Fortescue de LL. Angl. cap. 29.*

**Frank-almoin** (Fr. *Frank-almone*) Is a Tenure or Title of Lands or Tenements bestowed upon God, that is, given to such people, as devote themselves to the Service of God, in pure and perpetual Alms; whence the Feoffors or Givers cannot demand any terrestrial Service, so long as the Lands remain in the hands of the Feoffees. *Grand Customary of Norm. cap. 32.* Of this you may read *Bracton* at large, *lib. 2. cap. 5. & 10. and Fitz. Nat. Br. fol. 211. New Book of Entries, verbo, Frank-almoin.* But *Britton* (*cap. 66. num. 5.*) makes another kinde of this Land which is given in Alms, but not free Alms, because the Tenants in this are tied in certain Services to the Feoffor.

**Frank-bank.** See *Freebench*.

**Frank-chase** (Fr.) Is a liberty of *Free chase*, whereby all Men, having ground within that compass, are prohibited to cut down Wood, &c. Without the view of the Forester, though it be his own Demesn. *Crompt. Jurisd. fol. 187.*

**Frank-fee** (*Feudum Liberum*) Is (by *Broke, tit. Demesn, num. 32.*) thus expressed; That which is in the hand of the King or Lord of any Mannor, being Ancient Demesn of the Crown (*viz. the Demesns*) is called *Frank-fee*, and that in the Tenants hands is ancient Demesns onely. See *Reg. of Writs, fol. 12. a.* which says, that is *Frank-fee* which a Man holds at the Common Law to him and his Heirs, and not by such Service as is required in Ancient Demesn, according to the custom of the Mannor. And that the Lands which were said to be in the hands of King Edward the Confessor, at the making of *Domesday Book*, is Ancient Demesn, and all the rest *Frank-fee*; wherewith *Fitzherbert* agrees (*Nat. Br. fol. 161.*) So that all the Lands in the Realm by this Rule, are either *Ancient Demesn* or *Frank-fee*. Another defines *Frank-fee* to be a Tenure in Fee-simple of Lands, pleadable at the Common Law, and not in Ancient Demesn. *Feudum francum est, pro quo nullum servitium prestatum Domino, says Fachinus, lib. 7. cap. 39.*

**Frank-ferm** (*Firma Libera*) Is Land or Tenement wherein the nature of Fee is changed by Feoffment out of Knights-service, for certain yearly services; and whence neither Homage, Wardship, Marriage, nor Relief may be demanded, nor any other Service not contained in the Feoffment. *Britton, cap. 66. num. 3.* See *Fee-farm*.

**Frankfold,** Is where the Lord hath the benefit of *foldng* his Tenants Sheep within his Mannor,

Mannor, for the Manuring his Land. *Keil. Rep. fol. 198. a. Quod vassallis olim & Usufructuariis denegatum, Manerivum & pradiorum Dominis solum competeat,* says Mr. *Sommer.* It is compounded of the Fr. *Franc*, i. *tree*; and the Sax. *Fald*, i. a Fold. See *Fildage*.

**Frank-Law** (*Libera Lex*) Is the benefit of the Free and Common Law of the Land. He that for any offence, as Conspiracy, &c. loseth his *Frank-Law*, is said to fall into these mischeifs; first, That he may never be empanell'd upon any Jury or Assise, or otherwise used in testifying any truth. Next, if he have any thing to do in the Kings Court, he must not approach it in person, but appoint his Attorney. Thirdly, his Lands, Goods, and Chattels, must be seized into the Kings hands, and his Lands must be Eitreaped, his Trees rooted up, and his Body committed to prison. Thus *Crompton* in his *Just. of Peace, fol. 156.* Who cites the Book of *Assises, fol. 59.* See *Conspiracy*.

**Frank-marriage** (*Liberum Maritadium*) Is a Tenure in Tail-special, growing from these words in the gift. *Sciant, &c. me I. B. de O. dedisse & concessisse, & presenti Charta mea confirmasse A. B. filio meo & Maria uxori ejus, filie vera C. D. in liberum maritadium unum Messuagium, &c. West. par. 1. Symbol. lib. 2. sect. 303.* The effect of which words is, That they shall have the Land to them, and the heirs of their Bodies, and shall do Fealty to the Donor, until the fourth degree. *Glanville, lib. 7. cap. 18. and Bracton, lib. 2. cap. 7. num. 4.* where he divides *Maritadium*, in *liberum*, & *servitio obligatum*. See *Marriage*. *Fleta* gives this reason why the heirs do no service until the fourth degree, *Ne Donatores vel eorum heredes per homagii receptionem, a reversione repellantur.* And why, in the fourth descent and downward, they shall do service to the Donor, *Quia in quarto gradu vehementer presumitur, quod terra non est pro defectu heredum Donatorum reverfura, lib. 3. cap. 11.*

**Frank-pledge** (from the Fr. *Frank*, i. *Liber* & *Pledge*, i. *Fidejussor*) Signifies a Pledge or Surety for Freemen. The ancient custom of England for preservation of the Publick Peace, was, that every free-born Man, at fourteen years of age (Religious persons, Clerks, Knights, and their eldest Sons excepted) should finde Surety for his Truth, towards the King and his Subjects, or else be kept in Prison; whereupon a certain number of Neighbors became customably bound one for another, to see each Man of their Pledge forth coming at all times, or to answer the Transgression committed by any gone away. So that whoever offended, it was forthwith enquired in what Pledge he was, and then those of that Pledge, either brought him forth within thirty one days to his answer, or satisfied for his offence. This was called *Frank-pledge*, and the circuit thereof *Decenna*; because it commonly consisted of ten households; and every particular person thus mutually bound to himself, and his Neigh-

bors, was called *Decennier*; because he was of one *Decenna* or other. This custom was so kept, that the Sheriffs, at every County Court, did from time to time take the Oaths of young ones, as they grew to Fourteen years of age, and see, that they were settled in one *Dozain*, or another; whereupon this Branch of the Sheriffs Authority was called *Vifus Franci-plegii*, View of Frank-pledge. See the Statute for View of Frank-pledge, *Anno 18 Edw. 2.* See *Decennier, Lect. View of Frank-pledge, and Frihergh.* What Articles were wont to be enquired of in this Court, see in *Horns Mirror, lib. 1. cap. De la Venue des Francs-pleges*; and what those Articles were in ancient times, see in *Fleta, lib. 2. cap. 52.* See also 2 Part. Inf. fol. 73. — And if there be ony persone within the Waroe, that is not under Franc-pledge, that is to save under lout and Lawe, &c. Out of an Ancient Charge of the Quest of Wardmote in every Ward in London.

**Free-bench** (*Franc-bank, Francus Bancus, i. Sedes Libera*) Signifies that estate in Copihold Lands which the Wife, being espoused a Virgin, hath, after the death of her Husband, for her Dower, according to the custom of the Mannor (*Kitchin, fol. 102.*) As at *Orieon* in the County of *Hereford*, the relict or a Cophold-tenant, is admitted to her *Free-bench*, that is, to all her Husbands Copihold Lands, during her life, the next Court after her husbands death. *Bracton, lib. 4. tract 6. cap. 13. num. 2.* hath these words. *Consuetudo est in partibus illis, quod uxores maritorum defunctorum habeant Francum Bancum suum de terris Sockmannorum, & tenent nomine dotis.* *Fitzherbert* calls it a Custom, whereby in certain Cities the Wife shall have her Husbands, whole Lands, &c. for her Dower. *Nat. Br. fol. 150.* See *Plowden, Casu Novus, fol. 411.*

Of this *Free-bench*, several Mannors have several customs; As it is the custom of the Mannors of *East and West Enbryn* in the County of *Berks*; That if a Customary Tenant dye, the Widow shall have her *Free-bench* in all his Copihold Lands, *Dum sola & casta fuerit*, but if she commit Incontinency, she forfeits her estate; yet if she will come into the Court riding backward on a Black Ram with his tail in her hand, and say the words following, the Steward is bound, by the Custom, to re-admit her to her *Free-bench*.

Here I am,  
riding upon a Black Ram;  
like a whore as I am.  
And for my Crinum-Gruncum  
Wade lost my Binkum Bankum.  
And for my Tails Game,  
Wade done this Whoredom game.  
Therefore I pray you Mr Steward let me  
have my Land again.

The like Custom. is in the Mannor of *Tor* in *Devonshire*, and other parts of the West.



**Free-bord**, (Franchbordus,) — *Et totum boscum quod vocatur Brendewode, cum Franchbordo duorum pedum & dimid. per circuitum illius bosci* — Mon. Angl. 2 Part. fol. 241. a. In some places more, in some less, is claimed as a Free-bord, beyond, or without the Fence.

**Free-chappel** (*Libera Capella*) Is (in the opinion of some) a Chappel founded within a Parish for the Service of God, by the Devotion and Liberality of some good Man, over and above the Mother Church, to which it was free for the Parishioner to come, or not, and endowed with maintenance by the Founder, and therefore called Free. Others say, and more probably, that those onely are Free-chappels, which are of the Kings Foundation, and by him exempted from the Jurisdiction of the Ordinary; but the King may licence a Subject to found such a Chappel, and by his Charter exempt it from the Ordinaries Visitation also. That it is called free, in respect of its exemption from the Jurisdiction of the Diocesan, appears by the *Register of Writs*, fol. 40 and 41. These Chappels were all given to the King with Chantries also, Anno 1 Edw. 6. ca. 14. Free-Chappel of St. Martin le Grand. Anno 3 Ed. 4. ca. 4. & 4 Ed. 4. ca. 7.

**Freehold.** See *Fridstoll*.

**Freehold**, (*Liberum tenementum*.) Is that Land or Tenement which a Man holds in Fee, Fee-tail, or for term of life. *Bracton*, lib. 2. ca. 9. And it is of two sorts; *Freehold in Deed*, and *Freehold in Law*: The first is the real Possession of Land or Tenement in Fee, Fee-tail, or for Life; The other is the right that a Man has to such Land or Tenement before his entry or seizure. *Freehold* is likewise extended to those Offices, which a Man holds either in Fee, or for Life. *Britton* defines it to this effect, *Franktenement* is a possession of the Soyl or services issuing out of the Soyl, which a Freeman holds in Fee, or at least for life, though the Soyl be charged with free-services, ca. 32. *Freehold* is sometimes taken in opposition to *Villanage*.

*Lambert*, (in his explication of Saxon words,) *Verbo, Terra exscripto*, says, Land, in the Saxons time, was called, either *Bockland*, that is, holden by Book or Writing; or *Folchland*, held without Writing: The former he reports was held with far better condition, and by the better sort of Tenants, as Noblemen and Gentlemen, being such as we now call *Freehold*: The latter was commonly in the possession of Clowes, being that which we now call, at the will of the Lord, *Reg. Judicial*, fol. 68. 2. says, That he, who holds Land upon an execution of a Statute-Merchant, until he be satisfied the Debt, *Tenant liberum tenementum sibi & assignatis suis* & fol. 73, the same of a Tenant per Elegit, where I conceive, the meaning is, not that such Tenants are *Freeholders*, but, as *Freeholders* for their time, until they have received profits to the value of their Debt. *Freeholders* in the ancient Laws of

Scotland, were called *Milites*, according to *Skene*, verbo, *Milites*.

**Frenchman**, (*Francigena*.) Was anciently used for every stranger. *Bracton*, lib. 3. Traff. 2. ca. 15. See *Englecery*.

**Frendles man**, Was the old Saxon word for him whom we call an *Out-law*; The reason was, because he was, upon his exclusion from the Kings Peace and protection, deny'd all help of friends after certain days. *Nam forisfecit amicos*. *Bracton*, lib. 3. Traff. 2. ca. 12. num. 1. says thus; *Talem vocant Angli Wtlaugb, & alio nomine antiquitus solet nominari friendlesman, & sic videtur, quod forisfecit amicos; & unde, si quis talem post utlagatariam & expulsio-nem scienter paverit, receptaverit, vel scienter communicaverit aliquo modo, vel ucciderit, ead- dem pena puniri debet, qua puniretur utlagatus; ita quod careat omnibus bonis suis & vita, nisi Rex ei parcat de gratia sua*.

**Frendwite bel Anfeng**, *Significat quietan- tiam prius prisae ratione convivi*. *Fleta*, lib. 1. ca. 47.

**Fresh disseisin**, (from the Fr. *Fraiz*. i. *Recens*, & *disseisr*. i. *Possessione ejicere*.) Signifies that Disseisin, which a man may seek to defeat of himself, and by his own power, without the help of the King or Judges, and which is not above fifteen dayes old. *Britton*. ca. 5. Of this you may read *Bracton*, lib. 4. ca. 5. at large, concluding, that it is arbitrary.

**Fresh fine**, Is that, which was levied with- in a year past. *Westm.* 2. ca. 45. Anno 12 Edw. 1.

**Fresh force**, (*Friska fortia*.) Is a force done within fourty dayes, *Hz. Nat. Br. fol. 7*. For, if a man be Disseis'd of any Lands or Tenements within any City or Borough, or deforced from them after the death of his Ancestor, to whom he is heir, or after the death of his Tenant for Life, or in Tayl, he may, with- in fourty dayes after his title accrued, have his remedy by an Assise or Bill of *Fresh force*. See *Old. Nat. Br. fol. 4. a*.

**Fresh sute**, (*Recens insecutio*.) Is such a present and active following an Offender, as never ceases, from the time of the Offence committed or discover'd, until he be apprehended: And, the benefit of the pursuit of a Felon, is, That the party pursuing shall have his Goods restored him, whereas otherwise they are the Kings; of this see *Stamf. Pl. Cor. lib. 3. ca. 10* and 12. where you shall find what sute is to be accounted *fresh*, and what not. The same Author, (*lib. 1. ca. 27*.) saith, that *fresh sute* may continue for seven years. See *Cokes Reports*, lib. 3. *Rigeways Case*. *Fresh sute* is either within the view or without. For *Man- wood* says, That upon *fresh sute* within the view, trespassers in the Forest may be attached by the Officers pursuing them, though without the limits of the Forest, *pa. 2. ca. 19. num. 4*.

**Friar**, or **Frier**, (Lat. *Frater*. Fr. *Frere*. i. A Brother) an Order of Religious persons, of which there are reckoned the principal Branches,

Branches, Anno 4 H. 4. ca. 17. viz. *Minors*, *Grey-Friers*, or *Franciscans*; *Augustins*; *Do- minicans*, or *Black-Friers*; and *White-Friers*, or *Carmelites*, from which the rest descend. See *Zecchius de Repub. Eccles. p. 380*, and *Linwood, tit. de relig. Domibus*, c. 1. verbo, *Sancti Augustini*.

**Friburgh**, alias **Fritthboz**, (from the Sax. *frith*. i. *Pax*, and *bozge*. i. *Fidejussor*.) Is the same with *Francpledge*, the one being in use in the Saxons time, the other since the Con- quest; wherefore, for the understanding this read *Frankpledge*, and the Laws of King *Ed- ward*, set out by *Lambert*, fol. 232. in these words; *Praterca est quadam summa & maxima securitas, per quam omnes statu firmissimo susti- nentur, viz. ut unusquisque stabiliat se sub fide- jussionis securitate, quam Angli vocant, (Freobozges), soli tamen Eboracenses di- cunt eandem (Lienmannatale) quod sonat latine decem hominum numerum, &c.* *Bracton* mentions *Fridburgum*, lib. 3. Traff. 2. ca. 10. in these words, *Archiepiscopi, Episcopi, Comites & Barones & omnes qui habent Soc & Sak Tol & Team, & hujusmodi libertates, milites suos & proprios servientes, Armigeros, &c. Dapiferos, & pincernas, camerarios, coquos, pistores, sub suo Fridburgo habere debent. Item & isti suos armi- geros & alios sibi servientes; quod si cui foris- fecerint, ipsi Domini sui habeant eos ad rectum, & si non habuerint, solvant pro eis forisfacturam. Et sic observandum erit de omnibus aliis qui sunt de alicujus manuplastu. Where we learn the reason, why Great Men were not combined in any ordinary Dozein; because they were a suffi- cient assurance for themselves, and for their menial servants, no less then the ten were one for another in ordinary Dozeins. See *Skene* verbo *Freiborgh*. *Fleta* writes it *Fritthburgh*, and useth it for the principal man, or at least for one of the Dozein, *lib. 1. ca. 47*. See *Hoveden parte post. Annal. in Hen. 2. fol. 345*. But *Spel- man* makes a difference between *Fritboz* and *Fritthboz*, saying, The first signifies *libera securitas*, or *fidejussio*; the other *pacis securitas*. **Fridstoll et Fritthstoll**, (from the Sax. *frith*, *pax*; *stol*, *sedes*, *cathedra*, *scop*, *locus*.) A Seat, Chair, or place of Peace. In the Char-*

ter of Immunities granted to the Church of St. Peter in York, confirmed Anno 5 Hen. 7. *Fridstoll*, is expounded *Cathedra quietudinis & pacis*: Of these there were many others in England, but, the most famous at Beverley, which had this Inscription, *Hec sedes lapidea Fredstoll dicitur, i. Pacis Cathedra, ad quam reus fugiendo perveniens, omnimodam habet securitatem*. *Camd*.

**Frier oberbant**, (*Frater observans*.) Is a branch of the Franciscans, which are *Minores tam observantes quam conventuales & Capuchini*. These we find spoken of *An. 25 Hen. 8. ca. 12*. who are called *Observants*, because they are not combined together in any Cloister, Convent, or Corporation, as the *Conventuals* are; but, onely by themselves to observe the Rules of their Order, and more strictly then the *Con- ventuals* do; and, upon a singularity of zeal, separate themselves from them, living in cer- tain places of their own chusing; of whom you may read *Hospinian de Orig. & progress. Monachatus*. ca. 38. fol. 878.

**Friperer**, (Fr. *Fripier*. i. *Interpolator*.) One that furbushes and icowers up old Appa- rel to sell again. It is used for a baardly kind of Broaker. Anno 1 Jac. ca. 21.

**Fritthzech**, (Sax.) *Pacis violatio*. LL. *Etheiredi*. ca. 6. See *Frythe*.

**Fritthburgh**. See *Friburgh*.

**Fritthmote** — Per *Fritthmote* *Jo. Stanley Ar. clamat capere annuatim de villa de Olton, que est infra Feodum & Manerium de Aldford infra Forestam de la Mara* &c. fol. quos *Comites Cestria ante confessionem Carta pradiſta solabant capere*. Pl. in *Itin. apud Cestriam*. 14 Hen. 7.

**Fritthocne et Fritthoke**, (*frith*. i. *Pax*. & *foene*, *Libertas*.) Tuenda pacis juris- dictio; or, (according to *Fleta*) *Libertas habendi franci plegii*; or, *immunitatis locus*.

**Frobogz**, or **Freiburgh**, (from the Sax. *frith*, i. *Free*; and *bozge*. i. *Fidejussor*.) See *Friburgh* and *Franc-pledge*.

**Frodmortel**, rectius **Freomortel**, (from the Sax. *frith*, *Free*, and *moth* *deob*, *Murder*.) An immunity or Freedom granted for Murder or Man-slaughter.

Carta *Adelfani* Regis, Sancto *Wilfrido* de *Rippon* concessa.

Wæt all that es and es gan  
Pat ik King Adelfan  
As giben als frelith as I may  
And to þe Capitel of Seint Wilfrai  
Of my free Debotton  
Pair peas at Rippon

\* Makes it a  
Sanctuary.

\* Sedes pacis.  
Wn like side the \* þyrke a mtle  
Foz all iik deeds and þike aggle  
And wothin pair þyrke pate  
At þe stan pat \* Grithtole bate.  
Wothin þe þyrke doze and þa quare  
Pair habe peas for les and mare.  
Alkan of þis stedes sal habe peas  
Of Frodmortel and il deedes

\* Fire and  
water, Ordal.  
Pat pair don is, Tol, Tem,  
Woth \* Iron and woth water deme,

\* Free from Tax and Tribute.  
 \* Frihsfoke, or place of Immunity.  
 Ex Monast. Angl. 1 pa. fol. 172. b.  
 And pat ye Land of Seint Wilfrai  
 Of alþyn \* geid fre fal be ap.  
 At nat nan at langes me to  
 In pair \* Herp fac fal haue at do  
 And for ik will at pat be faue  
 I will at pat alþyn frædome haue :  
 And in all thinges be als fræ  
 As bert may thinke, or eghd may se  
 At te power of a kinge  
 Wafis make free any thinge.  
 And my seale haue I sat perto  
 For I will at no þan it undo.

**Frumgeld** (Sax.) Prima capitis estimationis pensio vel solutio. The first payment made to the Kinred of a slain person, in recompence of his Murder. LL. *Edmundi*, cap. ult.

**Frumhol** (Sax.) Sedes primaria, the chief Seat or Mansion-House; by some called the Fome-hal. LL. *Ina Regis*, cap. 38.

**Frustrura** (from the Fr. *Froussure*) A breaking down or demolishing — *Dedi eis nonam garbam tam in Frustruris, que de novo sunt, quam in Gc.* Mon. Angl. 2 Par. fol. 394. b.

**Frustrum terra**, A small peece of Land. *Residuum quiddam præter acres numeratas vel campum mensuratum.* Cum in Domesday Frustrum terra accipiatur pro ampla portione sorsum a campo, villa, Manerio iucenis. Domesday, tit. Hantise. Rex Abdestone. In Insula habet Rex unum Frustrum terræ unde exemit 61. Vomeris. Igo Frustrum. Spelm.

**Frepb.** Sir Edward Coke (on Littl. fol. 3. b.) expounds it, a Plain between two Woods, a Lawnd. Chaucer uses it for a Wood. Camden (in his Britan.) for an Arm of the Sea, or great River. — *Makeib his issue into the Estuary or Frith of Thames.* Smith (in his *Englands Improvement*) makes it signifie all Hedg-wood, except Thorns. How to reconcile these, I know not; but am sure the Saxon *Fripþ*, signifies Peace.

**Frepthorþg**, from the Sax. *Fripþ*, i. Pax, and *þorþg*, *sidesuffor*. — *Et sunt quieti de Frepthorþg*, & de Blodewite, Fithwyte, & Ferdwite, &c. Record. Pasch. 6 Hen. 4. Rot. 24. It might here signifie a Freedm from giving security of the Peace.

**Fuage** or **Focage** (a foc) In the Reign of Edward the Third, the Black Prince of Wales, having Aquitain granted him, laid an Imposition of Fuage or Focage upon the Subjects of that Dukedom, viz. A shilling for every Fire, called *Herb-Silver*. Rot. Parl. 25 Edw. 3.

**Fuer** (Fr. *fuir*, Lat. *fugere*) Though it be a Verb, yet it is used substantively, and is two-fold, *Fuer en fait*, (in fact) when a Man does apparently and corporally sic; and *Fuer en ley* (in lege) when, being called in the County, he appears not until he be outlawed, which is *figis* in the interpretation of Law. *Stansf. Pl. Cor. lib. 3. cap. 22.*

**Fugacia**, Signifies a Chase, and is all one with *Chace*. *Charta Matildis Imperatricis Milionis de Glouc.*

**Fugitibes Goods** (Bona fugitivorum) Are the proper Goods of him that flies upon Felony, which, after the flight lawfully found, do belong to the King, or Lord of the Mannor. Coke, 211. 6. fol. 109. b. See *Walf.*

**Fumage** (Fr. *Fumagium*) Dung, or a Manuring with Dung. — *Et sunt quieti de Fumagio & Maremio caviando, &c.* Carta R. 2. Priorat. de Hertland. Pat. 5 Ed. 4. par. 3. m. 13.

**Fumarboes** or **Fumadoes** (14 Car. 2. cap. 31.) Our Pilchards, garbaged, salted, hanged in the smoak, and pressed, are so called in Italy and Spain, whither they are carried in great numbers.

**Furca** (Seucatefurcia, & *fussa*, i. Gallows and Pit. In ancient Priviledges it signified a Jurisdiction of punishing Felons, that is, Men with Hanging; Women with Drowning: Of which last, take this notable example out of the Records of Rochester Church, in the time of Gilbert, Bishop there, who flourished under Richard the First. Anno 1200.

*Item duo mulieres venerunt in villam de Suffiæte, que furate fuerunt multos pannos in villa de Croindone, & secuti sunt eas homines ejusdem ville de Croindone, quorum pannos furte asportaverunt usque in villam de Suffiæte, & ibi captæ fuerunt & incarceratione, & habuerunt judicium suum in Curia de Suffiæte, ad portandum calidum ferrum, quarum una fuit salva, & altera damnata, unde submersa fuit in Wikepole. Et hoc totum contigit tempore Gilberti Domini Episcopi, & in quolibet judicio fuerunt Coronarii Domini Regis. Et Paulus de Stanes fuit tunc Cacherellus de Hundrigo de Actiane. Et per illud tempus Robertus de Hecham Monachus fuit custos de Manerio de Suffiæte, & ad mulieres judicandas fuit Dominus Henricus de Cobeham, & alii plures homines, discreti homines de Patria. Fossa is taken away, but Furca remains, says Sir Edward Coke in his 3 Inst. fol. 58.*

**Furlong** (Sax. *Fuplang*) Is a quantity of Ground, containing for the most part, forty Perches, or Poles in length, and every Pole sixteen foot and a half, eight of which Furlongs make a Mile. Anno 35 Edw. 1. cap. 6. It is otherwise, the eighth part of an Acre; yet I finde in an old Book, Printed in Henry the Eighth's time, That Six hundred Foot, by fivescore to the Hundred, make a Furlong. See *Acre*. In the former signification, the Romans call it *Stadium*, in the later *Fugerum*.

Furlong,

**Furlong**, is sometimes used for a peece of Land of more or less Acres. *Omnibus Christi Fidel.* — *Johannes Blount de Eye Arm.* — *De die Thome Croft & Francisco Lovel Arm. unum Furlongum terra arabilis continen. per estimationem quatuor Acreas, &c.* Dat. 20 Jan. 3 Eliz.

**Furnage** (Furnagium, Fr. *Fournage*) Est tributum quod Domino furni a scilicetatoribus penditur ob furni usum. Multis enim in locis tenentur vasalli ad coquendum panes suos in furno Domini. Est etiam lucrum seu emolumentum quod pistori conceditur in pistionis sumptus & mercedem. Et tunc potest pistor de quolibet quarterio frumenti lucrare 4 Den. & turfur, & duos panes ad furnagium. Alfiia panis & Cervisia. Anno 51 Hen. 3. See *Fornagium*.

**Furr** (from the Fr. *fouurr*, i. pelliculare, to line with Skins) The Stat. 24 Hen. 8. cap. 13. mentions divers kinds of it; as *Sables*, which is a rich Fur of colour between Black and Brown, being the Skin of a Beast called a *Sable*, of bigness between a Polecat, and an ordinary Cat, and of fashion like a Polecat, bred in *Russia*, but most and best in *Tartaria*. *Lucerns*, which is the Skin of a Beast so called, being near the bigness of a Woolf, of colour between Red and Brown, and mingled with Black-spots, bred in *Muscovia* and *Russia*, and is a very rich Fur. *Genets*, that is the Skin of a Beast so called, of bigness between a Cat, and a Weezle, mailed like a Cat, and of that nature, bred in *Spain*; whereof, there are two kinds, Black and Grey, and the Black the more precious, having black spots upon it hardly to be seen. *Foins* is of fashion like the *Sable*, bred in *France*, for the most part; the top of the Fur is Black, and the Ground whitish. *Martern*, is a Beast very like the *Sable*, the Skin something courser, the best are in *Ireland*. *Miniver*, is nothing but the Bellies of Squirrels, as some say; others say it is a little Vermin, like a Weezle, Milk white, and comes from *Muscovy*. *Fitch*, is that which we otherwise call the Polecat. *Shanks* are the Skin of the Shank or Leg, of a kinde of Kid, which bears the Fur, we call *Budge*. *Calaber*, is a little Beast in bigness near a Squirrel, of colour Grey, and bred most in *High Germany*.

**Fustice**, A kinde of Wood, which Dyers use, and is brought from *Barbadoes*, *Jamaica*, &c. Mentioned 12 Car. 2. cap. 18.

G.

**Gabel** (Gabella, Gablum. Sax. *Sapfel* alias *Sapfel*, Fr. *Gabelle*, i. *Veiligal*) hath the same signification among our old Writers, as *Gabelle* hath in *France*; for Camden (in his *Britan*, pag. 213.) speaking of *Wallingford*, says, *Continebat 276 bagas, i. Domos redactentes novem libras de Gablo.* And pag. 228. of *Oxford*, thus, *Hæc urbs reddebat pro Telonio & Gablo & aliis consuetudinibus per annum Regi quidem viginti*

*libras & sex sextarius mellis; comiti vero Algaro decem libras.* *Gabella* (as *Cassianus* defines it, de *Consuetud.* Burgund. pag. 119.) est *veiligal* quod solvitur pro bonis mobilibus, id est, pro his que vehuntur. — Distinguishing it from *Tributum*, quia tributum est proprie, quod fisco vel principi solvitur pro rebus immobilibus.

**Gafold-geld** (Sax.) The payment or rendering of Tribute or Custom. Also *Ufury*.

**Gafolland** alias **Gafulland** (Sax.) Terra censuata Land liable to Tribute or Tax; rented Land, or Land letten for Rent. Sax. *Dist.*

**Gage** (Fr. *ladium*) Signifies a Pawn or Pledge. *Glanville*, lib. 10. cap. 6. thus, *Quandogue res mobiles ponuntur in vadium, quandogue res immobiles — And a little after, — Invadiatur res quandogue ad terminum, quandogue sine termino. Item quandogue invadiatur res aliqua in mortuo vadio, quandogue non —* Though the word *Gage* be retained, as it is a Substantive, yet as it is a Verb, use hath turned the *G.* into *W.* So as it is oftner written *Wage*; as to *Wage Deliverance*, i. To give security, that a thing shall be delivered: For, if he that distrained, being sued, have not delivered the Cattle that were distrained, then he shall not onely avow the Distress, but *Gager Deliverance*, i. Put in surety, that he will deliver them. *Litz. Nat. Br. fol. 74. D.* and 67 F. yet in some Cases he shall not be tied to make this security, as if the Cattle died in Pound. *Kitchin*, fol. 145. or if he Claim a Propriety in the Cattle sued for. To *Wage Law*, see *Law*. See *Mortgage*.

**Gager Deliberance**. See *Gage*.

**Gager del Læp**. See *Wage*, and *Wager of Law*.

**Gagers**. See *Gawgeors*. This word is mentioned in *Anno 12 Car. 2. cap. 4.*

**Gaignage** (Lat. *Wainagium*, i. *Alius plausri*, vel *plausri apparatus*. Fr. *Gaignage*, i. The Gain or Crop of Tilled or Planted Grounds) Signifies the Draught-Oxen, Horses, Wain, Plough, and Furniture for carrying on the work of Tillage, by the baser sort of Soke-men and Villains; and sometimes the Land it self, or the profit raised by cultivating it. *Bracton*, lib. 1. cap. 9. (speaking of Lords and Servants) says — *Ut si eos destruant, quod saluum non possit eis esse Wainagium suum.* And again, lib. 3. tract. 2. cap. 1. — *Villanus non amerciabitur, nisi salvo Wainagio suo.* For, anciently, as it appears both by *Mag. Char.* cap. 14. and other Books, The Villain, when amerced, had his *Wainage* free, to the end, the Plough might not stand still: And the Law for the same reason, does still allow a like Priviledge to the Husbandman, that his Draught-Horses and Oxen are not, in many Cases, distrainable. This in *Magna Charta*, cap. 14. is called *Wainage*. I finde in old *Nat. Br.* fol. 117. — *The Writ was abated for that the Osgang is always of a thing that lies in Gainor.* This word was onely used of Arable Land, because they that had it in occupation, had nothing of it, but the profit, and fruit raised of it by their own labor, towards their sustenance, nor any other Title, but

but at the Lords Will. *Gainor* again in the same Book, fol. 12. is used for a *Sokeman*, that hath such Land in his occupation. In the 32 Chapter of the *Grand Customary* — *Geigneurs* are *ruvicola* qui terras cleomozynatas possident. And *Britton* useth *Gainor*, to Plough or Till, fol. 65. a. and 42. b. *West*, pa. 2. *Symb. tit. Recoveries*, sect. 3. says a *Præcipe quod reddat* lies not for such and such things — *For they are not in Demesne, but in gain*, &c. Lastly, in the Statute of Distresses in the *Exchequer*, Anno 51. Hen. 3. I finde these words, *No man of Religion, nor other, shall be distrained by his Beasts that gain the Land*. See *Wainage*.

**Gainery**, (Fr. *Gaignerie*) Tillage or Tilling, or the profit raised of Tillage, or of the Beasts used therein. I have seen an old Lease that demised *Omnes terras: prat. & pastur. in M. vulgo vocat. le Gainerie*, &c.

**Gainure** (*Westm. i. cap. 6. & 17.*) Tillage. See *Gainerie*.

**Galege** (*Galica*) From the Fr. *Galluchés*, which signified of old a certain Shoe, worn by the *Gauls* in foul weather, as at present the signification with us, does not much differ. It is mentioned Anno 4 *Edw. 4. cap. 7.* And 14 & 15 *Hen. 8. cap. 9.*

**Gallihalsens**, Was a kinde of Coyn, which with *Suskins* and *Doitkins* was prohibited by the *Stat. 3 Hen. 5. cap. 1.*

**Gang-week**. See *Rogation week*.

**Gaol**, From the Fr. *Geole*, i. *Caveola*. A Cage for Birds; and thence Metaphorically used for a Prison: So *Gaolier*, whom we call *Gayler* or *Gaoler*.

**Garb** (*Garba*) Fr. *Garbe* alias *Gerbi*, i. *fasciæ*) Signifies a bundle or sheaf of Corn. *Charia de Foresta*, cap. 7. And *Garba sagittarum* is a Sheaf of Arrows. *Skene, verbo, Garba*. *De omni annona decima garba Deo debita est*. LL. *Edovardi Conf. cap. 8.*

**Garbles** (*Anno 21 Jac. cap. 19.*) Signifie the Dust, Soil, or Uncleaness, that is severed from good Spice, Drugs, &c.

**Garbling of Bot-staves**, Anno 1 *Rich. 3. cap. 11.* Is the sorting or culling out the good from the bad; As *garbling* of Spice, Drugs, &c. (*1 Jac. cap. 19.*) is nothing but to purifie it from the dross and dust that is mixed with it; and to sever the good from the bad: It may come from the Italian *Garbo*, that is *Fineries* or *Neatness*. See 4 *Inst. fol. 264.*

**Garbler of Spices** (*Anno 21 Jac. cap. 9.*) Is an Officer of Antiquity in the City of London, who may enter into any Shop, Warehouse, &c. to view and search Drugs, Spices, &c. And to *garble*, and make clean the same.

**Garderobe**. See *Wardrobe*, and 2 *Inst. fol. 255.*

**Gard** (Fr. *Garde*, Lat. *Custodia*) Signifies a custody or care of defence; but hath divers Applications; sometimes to those that attend upon the safety of the Prince, called the *Lifeguard*, and *Yeomen of the Gard*; sometimes to such as have the education and guardianship of

Infants or Idiots; sometimes to a Writ touching Wardship; of which there were three sorts, one called *Droit de gard*, the second *Ejectment de gard*, the third *Ravishment de gard*. *Fitz. Nat. Br. fol. 139, 140.* See *Ward and Guardian*.

**Guardian** or **Guardian** (Fr. *Gardien*, Sax. *Sapbunz*, Lat. *Custos*) Signifies generally him that hath the charge or custody of any person or thing; but most notoriously him that hath the education or protection of such people as are not of sufficient discretion to guide themselves, and their own affairs, as Children and Idiots, being indeed as largely extended, as both *Tutor* and *Curator* among the *Civilians*. For whereas *Tutor*, is he that hath the Government of a Youth, until he come to fourteen years of age; and *Curator*, he that hath the disposition, and ordering of his substance afterward, until he attain to twenty five years, or that hath the charge of a Frantick person, during his *Lunacy*; we use for both these a *Guardian* onely, of which, we have three sorts in *England*; one ordained by the Father in his last Will, another appointed by the Judge afterward: The third cast upon the Minor by the Law and Custom of the Land.

But the Ancient Law in this Case is, in a great measure, altered by the Statute of 12 *Car. 2. cap. 24.* which ordains that, *Where any person hath, or shall have any Child or Children under the age of Twenty one years, and not married at the time of his death, it shall be lawful for the Father of such Child or Children, whether born at the time of the decease of the Father, or at that time in ventre sa mere, or whether such Father be within the age of Twenty one years, or of full age, by Deed executed in his life time, or by his last Will and Testament in writing, in the presence of two or more credible Witnesses, to dispose of the Custody and Tuition of such Child or Children, for, and during the time, he, or they shall remain under age, or any lesser time, to any Person, or Persons in Possession or Remainder, other then Popish Recusants; and such disposition shall be good against all Persons claiming such Child as Guardian in Socage, or otherwise, &c.* And in case the Father appoint no Guardian to his Child, the Ordinary may appoint one to order his Movables and Chattels, until the age of fourteen years, and then he may chuse his *Guardian*: And for his Lands, the next of Kin, on that side by which the Land descends, not, shall be *Guardian*, as heretofore, in case of a *Tenure in Socage*.

**Guardian**, or **Guardian of the Spiritualities**, (*Custos Spiritualium vel spiritualitatis*) Is he, to whom the Spiritual jurisdiction of any Diocese is committed, during the vacancy of the See, Anno 25 *Hen. 8. ca. 21.* And, I take it, the *Guardian of the Spiritualities* may be either *Guardian in Law*, or *Jure Magistratus*,

as the Arch-bishop is of any Diocese within his Province; or *Guardian by Delegation*, as he whom the Arch-bishop, or Vicar-general does for the time depute, Anno 13 *Eliz. ca. 12.*

**Guardian of the Peace**, (*Custos pacis*) See *Conservator of the Peace*.

**Guardian of the Cinque-ports**, (*Guardianus quinque portuum*) Is a Magistrate that has the Jurisdiction of those Havens, which are commonly called the *Cinque-ports*; that is, the five Havens: who there has all that jurisdiction the Admiral of *England* has in places not exempt. *Camden*, in his *Britan. pa. 238.* says; The *Romans*, after they had settled themselves and their Empire here in *England*, appointed a Magistrate or Governour over those East-parts, where our *Cinque-ports* lie, whom they termed *Comitem littoris Saxonici per Britanniam*, having another that bore the same title on the opposite part of the Sea; whose Office was, to strengthen the Sea-coast with Muniton against the out-rages and Robberies of the Barbarians; and believes, this *Warden of the Cinque-ports* was first erected among us, in imitation of that Roman Policy. See *Cinque-ports*.

**Gardein de L'esternerp**, (*Anno 17 Car. 1. ca. 15.*) Warden of the Stanneries.

**Garé**, (*Anno 31 Ed. 3. ca. 8.*) Is a course Wool, full of staring hairs, such as grows about the Pefil, or Shanks of the Sheep.

**Gariofil**, *Rectius Gariophylli*, The Spice called *Cloves*. — *Et salvo hereditibus meis post decessum meum uno clavo Gariofil. in prædicto Festo Sancti Mich. pro omni servicio seculari*, &c. *Carta Hugonis de Wygeton Priorat. Lecomitr. Anno 1283.*

**Garnish**, as, to garnish the Veir. i. To warn the heir, Anno 27 *Eliz. ca. 3.*

**Garnishee**, Is taken for the party in whose hands Money is attached within the liberties of the City of London; so used in the Sheriff of London's Court; because he has had *garnishment*, or warning not to pay the Money, but to appear and answer to the Plaintiff-creditors Sute.

**Garnishment**, (Fr. *Garnement*) Signifies a warning given to one for his appearance; and that for the better furnishing the Cause and Court. For example, one is sued for the detinue of certain Charters, and says, They were deliver'd to him, not onely by the Plaintiff, but by J. S. also, and therefore prays, that J. S. may be warned to plead with the Plaintiff, whether the conditions are performed or no; and, in this petition he is said to pray *Garnishment*. *New Book of Entries, fol. 211. col. 3.* which may be interpreted a warning to J. S. to provide himself of a defence, or else a furnishing the Court with all parties to the action, whereby it may thoroughly determine the Cause. *Britton (cap. 28.)* says, Contracts are some naked and sans garnement, and some furnished, or (to use the literal signification of his word) apparelled, &c. Howbeit *Garnishment* is generally used for a warning; As in *Kitchin, fol. 6.* *Garnisher le Court*, is, to warn the Court; and, reasonable *garnishment* in the same place, is reasonable warning, And in the Stat. 27 *Eliz. ca. 3.*

— Upon a *Garnishment of two Richils returned*, &c.

**Warrant**. See *Warranty*.

**Garter**, (Fr. *Tartier*. i. *Periscetia*, *fascia poplitaria*,) Signifies, both in divers Statutes and otherwise, one special or, being the Ensign of a great and noble Society of Knights, called Knights of the Garter. This high Order (as appears by *Camd. pa. 211.*) was instituted by that famous King *Edward the Third*, upon good success in a Skirmish, wherein the Kings Garter, (the time or occasion not mentioned,) was used as a token. *Pol. Virgil* casts in a suspicion of another original; but, his grounds, by his own confession, grew from the vulgar opinion, however, it runs thus; The said King, after he had obtained divers great Victories, King *John of France*, King *James of Scotland*, being both prisoners in the Tower of London at one time, King *Henry of Castile*, the Bastard, expelled, and Don *Pedro* restored by the Prince of Wales, did, upon no weightier occasion, first institute this Order in Anno 1350, viz. He dancing with the Queen, and other Ladies of the Court, took up a Garter that hapned to fall from one of them, whereat some of the Lords smiling, the King said, That ere long he would make that Garter to be of high reputation, and shortly after instituted this Order of the *Blow Garter*, which every Companion of the Order is bound to wear daily, richly adorned with Gold and Precious Stones, and having these words wrought upon it, *HONI SOIT QUI MAL Y PENCE*; which is thus interpreted, *Evil be to him, that evil thinks*; or rather thus, *Shame take him that thinks evil*.

Sir *John Fern*, in his *Glory of Generosity*, fol. 120. agrees with *Camden*, and sets down the victories, whence this Order was occasion'd; whatsoever cause of beginning it had, the Order is inferior to none in the World, in Honor or Antiquity, consisting of 26 Martial and Heroical Nobles, whereof the King of *England* is the Chief, and the rest are either Nobles of the Realm, or Princes of other Countries, friends and confederates with this Nation; the Honour being such, as Emperours, and Kings of other Nations have desired, and thankfully accepted, it being long before the order of *St. Michael in France*, the *Golden Fleece in Burgundy*, or the *Anunciada in Savoy*. The Ceremonies of the Chapter, proceeding to Election, the Investitures and Robes, the Installation, Vow, with such other observations see in *Segars Honor militar & civil*, lib. 2. ca. 9. fol. 65. See *Knights of the Garter*, and *Seldens Titles of Honour*, fol. 792.

*Garter* also signifies the Principal king at Armes among our *English Heralds*, attending upon the Knights thereof, created by King *Henry the Fifth*, and mentioned in the Statute 14 *Car. 2. ca. 33.* See *Herald*.

**Garth**, In the North of *England* signifies a Back-side, or a little Close or Homestead; also a Dam or Wear in a River, where Fish are caught, called a *Fish-garth*. It seems to be an

ancient British word; For, *Gardd* in that language signifies a Garden, the *dd* being liquefy'd in the pronunciation like *th*.

**Garthman**, Anno 17 Ricb. 2. ca. 9. *It is ordained, that no Fisher, nor Garthman, shall use any Nets or Engines to destroy the fry of fish, &c.* Whereby it seems to signify one that keeps or owns an open Wear, where Fish are caught. It may haply be derived from the *Scottish* word *Gart*, which signifies forced or compelled, because the Fish are forced by the Wear to pass in at a loop, where they are caught.

**Gabel**, (Sax. *Gapel*.) Tribute, Toll, Custom; yearly Rent, Payment or Revenue; Of which we had of old several kinds paid by Tenants to their Landlords; As *Gavel-Corn*, *Gavel-malt*, *Oate-gavel*, *Gavel-fodder*; As you may read in Mr. *Fabian Philip's* Book, Entituled, *Mistaken Recompence*, p. 39 & 40.

**Gabelet**, Is a special and ancient kind of *Cessavit* used in *Kent*, where the Custom of *Gavelkind* continues; whereby the Tenant shall forfeit his Lands and Tenements to the Lord; if he withdraw from him his due Rents and Services; after this manner. — The Lord must seek, by the award of his Court, from three weeks to three weeks, to find some distress upon the Tenement, until the fourth Court, always with Witnesses; and, if in that time he can find none, then at the fourth Court let it be awarded, that he take the Tenement into his hand, in name of a Distress, and keep it a Year and a day without Manuring; within which time, if the Tenant pay his Arrears, and make reasonable amends for the withholding, let him have and enjoy his Tenement as before; and, if he come not before the year and day be past, let the Lord go to the next County-Court with his Witnesses of what past at his own Court, and pronounce there this Process to have further Witnesses; and then, by the award of his own Court, he shall enter and Manure the Tenement as his own: And, if the Tenant will afterwards re-have it, and hold it as he did before, let him make agreement with the Lord, according to this old saying,

*Þeghesth selde & neghesth geld, & b i.  
for his Were, er he become header. i.*

Has he not since any thing given, nor any thing paid,  
Then let him pay 5 l. for his *Were*, ere he become header again.

Other Copies have the first part thus written, and expounded.

*Þigondstih peld & nigondstih geld.*

Let him 9 times pay, and 9 times re-pay.

Of this see 10 Hen. 3. Fitz. tit. *Cessavit* 60, and the Stat. of *Gavellet*, 10 Edw. 2. which gives

this Law to Lords of Rents in *London*. And see *Westm.* 2. ca. 21. which gives *Cessavit*.

**Gabelkind**, (from the Sax. *Gapel*. i. *Census*, *tributum*, and *cyns*, *Natura*, *Genus*.) But Doctor *Powel* in his *Additaments* to the *Cambrian History*, and from him *Taylor* in his History of *Gavelkind*, fol. 26. would have it deriv'd from the British word, *Gabel*, importing a Hold, or Tenure; however, it signifies a Tenure, or Custom, whereby the Lands of the Father are equally divided at his death among all his Sons; or the Land of the Brother among all the Brethren, if he have no Issue of his own.

*Teutonicis priscis patrius succedit in agros  
Mascula stirps omnis, ne foret ulla putens.*

This Custom is still of force in *Kent*, *Wrechenfeld* in *Herefordshire*, and elsewhere, though with some difference. But, by the Stat. 34 & 35 Hen. 8. ca. 26. All *Gavelkind* Lands in *Wales* are made descendable to the Heir, according to the course of the Common-Law. *Camden*, in his *Brit.* says thus — *Cantiani ea lege Gulielmo Normanno se dediderunt, ut patrias consuetudines illas retinerent, illaque inprimis quam Gabelkind nominat. Hac ea terra, quæ eo nomine censetur, liberis masculis ex æquis portionibus dividuntur, vel feminis, si masculi non fuerint. Adding further, Hanc hereditatem, cum quantum decimum annum attigerint, adeunt, & sine Domini consensu cuiuslibet, vel dando, vel vendendo alienare licet. Et filii parentibus, furti damnatis, in id genus fundi succedunt, &c.* It appears by 18 Hen. 6. ca. 1. That in those days, there were not above 30 or 40 persons in all *Kent*, that held by any other Tenure: which was afterwards altered, upon the petition of divers *Kentish* Gentlemen, in much of the Land of that County, by Stat. 31 Hen. 8. ca. 3. See *Lambert's Perambulation of Kent*, and *Summers* learned Discourse on this Subject. — *Dedi totam terram, quam vendidi mihi Michael de Turnham, sicut suum liberum Gabelkind & Stokikinde, ad fundandum ibi Domum Religionis, &c.* Mon. Angl. 2 Par. fol. 640. a.

**Gabelsester**, (Sax.) *Sextarius vestigialis*; *Cervisia* scilicet *Sextarius Manerii vel pradii Domini ab usufructuariis cervisiam coquantibus, census vel vestigialis nomine, pendendus*. A certain Measure of Rent-Ale. Among the Articles to be charged on the Stewards and Bailiffs of the Church of *Canterburies* Mannors in *Kent*, (according to which they were to be accountable,) this of old was one; *De Gavelsester cuiuslibet bracini braciati infra libertatem Maneriorum, viz. unam lagenam & dimidiam Cervisie*. It elsewhere occurs under the name of *Tol-sester*, thus; *De Tolsester Cervisie, hoc est de quolibet bracino per unum annum lagenam de Cervisie*. And, is undoubtedly the same; in lieu whereof the Abbot of *Abington* was wont of Custom to receive that Penny mentioned by

*Selden*

*Selden* in his learned Dissertation annexed to *Fleta*, ca. 8. num. 3. and there, (by some mistake haply of the Printer,) written *Colcester-penny*, for *Tol-sester-penny*. Nor differs it, (I think) from what in the Glossary, at the end of *Hen. 1. Laws*, is called *Oate-gavel*. Sax. *Diit*. and see *Tolsester*.

**Gatogeoz, or Gager**, (from the Fr. *Gau-chir*. i. *In gyrum torquere*.) Signifies an Officer of the Kings, appointed to examin all Tuns, Pipes, Hogheads, Barrels, and Tercians of Wine, Oyle, Honey, Butter, and to give them a Mark of allowance, before they are sold in any place: And, because this Mark is a Circle made with an Iron Instrument for that purpose, it seems thence to take name. Of this Officer and Office we have many Statutes, the first is, Anno 27 Ed. 3. commonly called the Statute of *Provision*, or *Purveyors*, ca. 8. 23 Hen. 6. ca. 16. &c. and the last, is 12 Car. 2. ca. 4.

**Gatoge-peny**, Seems to be the *Gaugeors Fee*; by Anno 23 Hen. 6. ca. 16.

**Geld**, (*Geldum*) *Multa*, *compensatio delicti & precium rei*. Hence in our ancient Laws *Wergild* was used for the value or price of a Man slain; and *Orfgild*, of a Beast. Also Money, or Tribute. — *Es sint quieti de Geldis & Danegeldis & Horgeldis & Forgeldis, & de Blodwita & Fitwita, & Flitwita, & Leirwita, & Heingwita, & Fremeneftada, & Werdpeni, & Averpeni, & Hundredpeni, & Tolingpeni*. — *Carta Ric. 2. Priorat. de Hertland in Devon. Pat. 5 Ed. 4. part. 3. M. 13. See Gild.*

**Geldable**. See *Gildable*.

**Gemote**, (Sax.) *Conventus* *Omnis homo pacem habeat eundo ad Gemotum & rediens de Gemoto, nisi probatus fur fuerit*. LL. Ed. Conf. ca. 35. See *Mote*.

**General Issue**. See *Issue*.

**Geneath**, (Sax. *Rehtius*, *Geneat*.) *Villanus*, *villicus*, *firmarius*. L. Ina. MS. ca. 19. *Regis Geneath*. i. *Villanus*.

**Generosa**, Is a good addition; And, if a Gentlewoman be named *Spinster* in any Original Writ, Appeal or Inditement, the may abate and quash the same. 2 Inst. fol. 668.

**Gentleman**, (*Generosus*, *nobilis*) from the Fr. *Genitil*. i. *Honestus vel honesto loco natus*, and the Saxon Mon, as if you would say, a Man well-born, or a *Gente*, or *Genere*; the Italian calls them *Genitilhuomini*; under this Title are comprised all that are above *Yeomen*; so that Noblemen are truly *Gentlemen*; But, by the course and custom of *England*, *Nobility* is either *Major* or *Minor*; the greater contains all Titles and degrees from *Baronets* upward, the lesser all from *Barons* downward. *Smith de Repub. Angl. lib. 1. cap. 20. & 21.* The reason of the name, grows from this, that they observe *Gentilitatem suam*, that is, the race and propagation of their Blood, by bearing Arms, which the common sort, neither doth, nor may do. *Tully* in his *Topicks* speaks thus of this subject, *Gentiles sunt, qui inter se eodem sunt nomine ab ingenuis oriundi, quorum majorum nemo ser-*

*vitutem servavit, qui capite non sunt diminuti. Gentilis homo for a Gentleman, was adjudged a good addition. Hill. 27 Edw. 3. The addition of Knight is ancient, but of Esquire or Gentleman, rare, before 1 Hen. 5. cap. 5. See 2 Part. Inst. fol. 595. & 667.*

**Gersuma** (Sax. *Gersuma*, i. *Sumptus, præmium*) In ancient Charters it is used for a *Fine* or *Income*. As, *Sciatis me A. pro tot libris, quas B. mihi dedit in Gersumam, dedisse, concessisse, &c.* And — *Gersumam capere de Nativa vestra impregnata sine licentia vestra, quod dicitur Childwit*. In *Matth. Paris* it is written *Gersoma*. *Dati Abbati tribus marcis auri in Gersoma*, i. e. *Pro Fine*, and in *Scotland Gressume*.

**Gessu & fama**. Is a Writ now out of use, *Lamb. Eiren. lib. 4. cap. 14. pag. 532.*

**Gerthbrech** (*Rehtius Grithbreche*) *Si pacem quis fregerit ante medicos Forestæ, quod dicunt Gerthbrech, emendet Regi decem solidis*. Constitut. Canuti de Foresta cap. 18. See *Grithbreche*.

**Gigmills** were used for the perching and burling of *Woollen-Cloth*, and prohibited Anno 5 & 6 Edw. 6. cap. 22. They were a kinde of *Fulling Mills*.

**Gild** (Anno 18 Car. 2. cap. 1.) Signifies chiefly a Fraternity or Company, combined together with Orders and Laws made among themselves by the Princes licence, and they had their Annual Feasts and Neighborly Meetings: But as to the direct time, when these *Gilds* had their origin in *England*, there is nothing of certainty to be found, since they were in use long before any formal Licences were granted to them, for such Meetings. *Edward* the Third, in the Fourteenth of His Reign, granted Licence to the Men of *Conventry* to erect a *Merchant's Gild*, and a Fraternity of Brethren and Sisters, with a Master or Wardens; and that they might make Chuntries, bestow Alms, do other Works of Piety, and constitute Ordinances touching the same, &c. So *Henry* the Fourth, in the Fourth year of His Reign, granted Licence to Found a *Gild* of the Holy Crofs at *Stratford upon Avon*. See Mr. *Dugdale's Antiquities of Warwickshire*, fol. 119. & 522. *Gild* or *Geld* (according to *Camden*) signifies also a Tribute or Tax, and the Statutes of 27 Edw. 3. stat. 2. cap. 12. and 11 Hen. 7. cap. 9. use *Gildable* in the same sense with *Taxable*. Whence *Gild* in the first signification does proceed, because they support their common charge by a mutual Contribution. *Gild* (according to *Crompton* in his *Jurisdictiones*, fol. 191.) Signifies an Amercement, as *Foot-geld*; and fol. 197. he interprets it to be a prestation within the Forest, in these words, *To be quit of all manner of Gilds, is to be discharged of all manner of Prestations, to be made for gathering Sheaves of Corn, Lamb, and Wooll, to the use of Foresters*. The word is also mentioned in the Stat. 15 Hen. 6. cap. 6. and 15 Car. 2. cap. 7.

**Gildale**



**Gildale** (from the Sax. *Gild*, *i. solutio & ale*, *ale*) A composition, where every one paid his share. See *Sorbale*.

**Gildable** or **Geldable**, (*Geldabilis*) That is liable to pay Tax or Tribute. Camden dividing *Suffolk* into three parts, calls the first *Gildable*. It is mentioned *Anno 27 Hen. 8. cap. 26*. But I finde *Gildable* expounded in an old MS. to be that Land or Lordship, which is *Sub distributione Curia Vice-com.* See 2 *Part. Inst. fol. 701*. *Inquisitio capta apud Atherston, &c.* 5 *Hen. 5. per Sacram. Will. Peirs & alii dicunt quod Johannes Cheshyshire, qui tenet unum tenementum & duo crofta cum pertin. in le Geldable de Johanne Lile per quod servitium ignorant, erexit crucem S. Johannis Hierosol. super Domum suam, ad habendum privilegium & libertat. Templar. de Balbale, eo quod teneret predict. tenementum sub Cruce in prejudicium Dom. Regis & contra formam Statuti inde edit, &c.* MS. penes Gul. Dugdale Ar. *Jur. dicunt quod Prior de Sempringham tenet tres Carucas terras in S. & non sunt Geldabiles.* Ex Rot. Hundr. in Turr. Lond. de Anno 3 *Edw. 1. Line.*

**Gild-hall** (*i. Gilde aula*) The cheif Hall of the City of London so called. *Gildarum nomine continentur non solum minores fraternitates & sodalitates, sed ipse etiam Civitatum Communitates*, says the Learned *Spelman*. See *Gill*.

**Gildpalaia** *Leironicozum*, Was used for the fraternity of Eafterling Merchants in London, called the *Stilyard*. *Anno 22 Hen. 8. cap. 8.*

**Gild-merchant** (*Gilda Mercatoria*) Was a certain Priviledge or Liberty, granted to Merchants, whereby they were enabled (among other things) to hold certain Pleas of Land within their own Precincts.

**Giltwaite**. See *Gylwaite*.

**Gisarms** rectius **Guisarmes** (*An. 13 Edw. 1. Stat. 3. cap. 6.*) A kinde of Hand-Ax, according to *Skene*. *Fleta* writes it *Sisarms*, lib. 1. cap. 14. *Est armorum genus longo manubrio & porrecto cuspid. Spel.*

**Gleab-land** (*Gleba*) Church-land, *Dos vel a terra ad Ecclesiam pertinens*. *Charta Elredi Regis Magnæ Britanniæ Monast. de Croiland, apud Ingulphum: Inprimis totam Insulam Croilandie pro Gleba Ecclesiæ, & pro situ sepeciali ejusdem Monasterii — Dono.* *Lindwood* says, *Gleba est terra in qua consistit Dos Ecclesiæ*. Mentioned in the Statute of 14 *Car. 2. cap. 25*. We most commonly take it for Land belonging to a Parish Church, besides the Tythe. *Skene* says, *The four Acres of Land, quiblibet is given to the Ministers of the Evangel in Scotland, is called ane Gleeb, the quiblibet sould be free fra payment of any teinds.*

**Go**, Is sometimes used in a special signification, as to go without day; and to go to God, is as much as to be dismissed the Court. *Broke, tit. Failer de Records, num. 1.* And *Kitchin, fol. 193.*

**Goaling of Wagabonds**, *i. Sending them to the Goal.* *Anno 35 Eliz. cap. 7.*

**God-bote** (Sax.) *Mullea ex delictis in Deum admissis obveniens*. A Fine or Amerciament for crimes and offences against God; an Ecclesiastical or Church Fine.

**God-behavior**. See *Good abearing*.

**Goldwith** vel **Goldwich**. In the Records of the *Tower*, there is mention of *Consuetudo Vocata Goldwith vel Goldwich*; but no Explanation of it. *Idco quare*.

**Good abearing** (*Bonus gestus*) Is by a special signification, an exact carriage or behavior of a Subject towards the King, and his Leige People, whereunto some Men, upon their misbehavior or loose demeanure, are sometimes bound: For as *Lambert*, in his *Eiren. lib. 2. cap. 2.* says, He that is bound to this, is more strictly bound, then to the Peace; because, where the Peace is not broken without an affray, battery, or such like, this surety *De bono gestu*, may be forfeited by the number of a Mans company, or by his or their Weapons or Arms, whereof see more in that Learned Writer, and in *Crompt. Just. of Peace, fol. 120. & 127.*

**Good Country** (*Bona Patria*) Is an Affize or Jury of Countrey-men or good Neighbors. *Skene, verbo, Bona Patria.*

**Goule** (*Fr. Goulet*) (*Anno 16 & 17 Car. 2. cap. 11.*) A breach in a Bank or Sea-wall; or a passage worn by the Flux and Reflux of the Sea.

**Gorze** (from the *Fr. Gort, i. a Wear.*) *Locus in fluvio coarctatus, piscium capiendorum gratia; a Wear.* It is accorded, That all such *Gorzes, Mills, Weirs, Banks, Stakes, and Riddles*, which be levied and set up in the time of King Edward, the Kings Grand-father, and after, whereby the Kings Ships and Boats be disturbed, that they cannot pass in such River, as they were wont, shall be out and utterly pulled down, without being renewed. *Anno 25 Edw. 3. cap. 4.* Sir *Edward Coke* (on *Litt. fol. 5. b.*) seems to derive it from *Gorges*, a deep Pit of Water, and calls it a *Gors* or *Gulf*. But *quare*, if not a mistake.

**Gote** (*Anno 23 Hen. 8. cap. 5.*) A Ditch, Sluce, or Gutter; perhaps from the Sax. *Geotan, Funderc.*

**Graduats** (*Graduati*) Are such Schollars as have taken degrees in any University. *Anno 1 Hen. 6. cap. 3.*

**Graffer** (*Fr. Greffier, i. Scriba*) Signifies a Notary or Scrivener; and is used in the Stat. 5 *Hen. 8. cap. 1.*

**Graille** (*Gradale, seu Graduale*) A Gradual or Book containing some of the Offices of the Roman Church. *Gradale* (*inquit Lindwoodus*) sic dictum a gradatibus in tali libro contentis. Provincial. Angl. lib. 3. The word is mentioned in *Plowden, fol. 542.* And 37 *Hen. 6. fol. 32.* It is sometimes taken for a Mass-Book, or part of it, instituted by Pope Celestine, *Anno 430.* according to *Coigrave*.

**Grand Affize**. See *Affize*, and *Magna Affize*.

**Grana**

**Grand Cape**. See *Cape* and *Attachment*.

**Grand days**, Are one in every Term, solemnly kept in the Inns of Court and Chancery, viz. *Candlemas-day* in *Hillary Term*; *Ascension-day* in *Easter Term*; *S. John Baptist-day* in *Trinity Term*; and *All-Saints* in *Michaelmas Term*; and these are *Dies non juridici*, no days in Court.

**Grand Distress** (*Distressio Magna*) Is so called, not for the quantity, for it is very short, but for the quality, for the extent is very great; for thereby the Sheriff is commanded, *Quod distringat tenentem, ita quod ipse, nec aliquis per ipsum ad ea manum apponat, donec habuerit aliud preceptum, & quod de exitibus eorundem nobis respondeat, & quod habeat corpus ejus, &c.* This Writ lies in two Cases, Either when the Tenant or Defendant is attached, and so returned, and appears not, but makes default, then a *Grand Distress* is to be awarded; or when the Tenant or Defendant hath once appeared, and after makes default, then this Writ lies by the Common Law, in lieu of a *Petit Cape*. 2 *Part. Inst. fol. 254.* *Anno 52 Hen. 3. cap. 9. Westm. 1. cap. 44.*

**Grand Sergeanty**. See *Chivalry* and *Sergeanty*.

**Grange** (*Grangia*) Is a House or Farm, not onely where are necessary places for all manner of Husbandry; as Stables for Horses, Stalls for Cattle, &c. But where are Barns and Granaries for Corn, Haylofts, &c. And by the Grant of a *Grange*, which is often in Conveyances, such places will pass. Provincial. Angl. lib. 2. tit. de *Judiciis, ca. Item omnis.*

**Grant** (*Concessio*) Signifies a Gift in writing of such a thing, as cannot aptly be passed or conveyed by word onely: As Rent, Reversions, Services, Advowsons in Grofs, Tythes, &c. or made by such persons as cannot give, but by Deed, as the King, and all Bodies Politick; which differences are often in speech neglected, and then it is taken generally for every gift whatsoever, made of any thing by any person, and he that grants it, is called the *Grantor*, and he to whom it is made, the *Grantee*. *West, part 1. Symbol. lib. 2. Sect. 334.* And a thing is said to *Lie in Grant*, which cannot be assigned without Deed. *Coke, lib. 3. Lincoln-Colledge Case.*

**Great Men**, Are most commonly understood to be the Temporal Lords of the Higher House of Parliament: As *Anno 43 Edw. 3. cap. 2.* and 8 *Rich. 2. in Proem.* And sometimes of the Members of the House of Commons, as *Anno 2 Rich. 2. stat. 2.*

**Greathbreach** or **Greachbreach**, Is mistaken by *Saxton* in his Description of *England, cap. 11.* And by *Rafsal*, for *Grith-breche*, which *Vide*.

**Græ** (*Fr. Gre, i. Will, allowance, or liking*) Signifies agreement, contentment, or good-liking: As to make *græ* to the parties, is to satisfy them for an offence done. *Anno 1 Rich. 2. cap. 15.* And in 25 *Edw. 3. cap. 19.* It is said, *That Judgment shall be put in*

*respence, till Græ be made to the King of his Debt, where it signifies satisfaction.* See *Agreement*.

**Græn-cloth**. See *Counting-house*.

**Grænbew** (from *Green*, and the Sax. *hepen, i. viridis*) Is all one with *Vert*. *Manwood, part. 2. of his Forest Law, cap. 6. num. 5.* See *Vert*.

**Græn Silber** (*Viride Argentum*) It is an ancient Custom within the Mannor of *Writtel* in *Com. Essex*, that what ever Tenant hath his fore door opening to *Greenbury*, pays a half-penny yearly to the Lord of the Mannor, by the name of *Green-silver*.

**Green Wax** seems to be used for *Estreats* delivered to the Sheriffs, out of the *Exchequer*, under the Seal of that Court (made in *Green Wax*) to be levied in the Counties. *Anno 42 Edw. 3. cap. 9.* and 7 *Hen. 4. cap. 3.* See *Forrein Apposer*.

**Gresume**. See *Gersuma*.

**Grebe** (*Sax. Gepepa*) Is a word of Power and Authority signifying as much as *Comes* or *Vice-comes*; and hence our *Shyreeve*, *Portgreve*, &c. See *Hoveden, Parte poster. annal. fol. 346.* where he says, *Grebe dicitur, ideo quod jure debebat Grith, i. Pacem ex illis facere, qui Patria inferunt va, i. miseriam vel malum.* From whence, but with less power and dignity, is derived the word *Reve*, Bailiff, or under Officer of the Lord of a Mannor. See *Shyreeve* and *Portgreve*.

**Grils** (*Anno 22 Edw. 4. cap. 2.*) A kinde of small Fish.

**Grithbreche** (*Sax. Grith-bryce, i. Pacis fractio seu violatio*) Breach of the Peace. In *causis Regiis Grithbreche* 100 *Sol.* — *Emendabit. LL. Hen. 1. cap. 36.* & *Carta Will. Conq. Ecclef. Sancti Pauli, in Hist. ejusdem, fol. 190.* **Grithbreche, i.** *Quod Prior tenebit Placita de illis qui frangunt pacem Regis vel libertatis ipsius Prioris.* Ex Reg. Priorat de *Cokesford*.

**Grithstole** (*Sax. Sedes Pacis*). A Sanctuary. See *Frodmorel*.

**Grocers**, by the Stat. 37 *Edw. 3. cap. 5.* Were Merchants that engrossed all Merchandise vendible. Now it is a particular Trade, well known.

**Grosse bois** (*Fr. Gros bois, i. Great Wood*) Signifies specially such Wood as hath been or is, either by the Common Law or Custom of the Countrey, Timber. 2 *Part. Instit. fol. 642.*

**Grossome**, Signifies a Fine, and is a corruption from, or a Law-French word for the Saxon *Gersuma*. For thus *Plowden, fol. 271.* *Et le dit L. R. grt per m le Indenture a payer en le fine de le dit terme de 10 ans al dit W. N. dice Mille de tiiler, ou le value de eux en argent, en nosme de Grossome.* And in *fol. 285.* it is written *Gressame*. — *Absque aliquo le Gressame, vel fine pro premissis solvend.* See *Gersuma*.

**Grobom** (*Anno 43 Edw. 3. cap. 10.*) Seems to be an Engin to stretch Woollen-cloth, soon after it is woven.

**Growth-halfpeny.** A half-penny so called, and paid in some places for Tythe of every fat Beast, Ox, and other unfruitful Cattle. *Claytons Rep. pag. 92.*

**Gruarii** (of whom you shall read in *Forest Records*) derived from the Fr. *Gruyer*, signifies generally the principal Officers of the Forest.

**Guest-takers or Gift-takers.** See *Agitors*.

**Guadage or } (Guadagium & Guidagium)**  
**Guidage**

*Eft quod datur alicui, ut tuto conducatur per terram alterius:* That which is given for safe conduct through unknown ways, or a strange Territory. Sir *Edw. Coke* calls this an old legal word, 2 *Inst. fol. 526.*

**Gule of August** (*Gula Augusti*) *Westm. 2. cap. 30. 27 Edw. 3. Stat. 3. Fitzb. Nat. Br. fol. 62. Plow. Casu Mines, fol. 316.* Is the very day of S. Peter ad Vincula, which is celebrated on the first day of August, and called the *Gule of August*, from the Latin *Gula*, i. a Throat; the reason is set down in *Durandi Rationale*, (*lib. 7. cap. 19.*) who says, That one *Quirinus*, a Tribune, having a Daughter that had a disease in her Throat, went to *Alexander*, then Pope of Rome, the Sixth from S. Peter, and desired of him to borrow, or see the Chains, that S. Peter was chained with under Nero, which being obtained, the said Daughter kissing the Chains, was cured of her disease, and *Quirinus* with his Family was baptised. *Tunc dixit Alexander Papa hoc Festum in Calendis Augusti celebrandum instituit, & in honorem Beati Petri Ecclesiam in Urbe fabricavit, ubi vincula ipsa reposuit, & Ad Vincula nominavit, & Calendis Augusti dedicavit. In qua Festivitate populus illic ipsa vincula hodie osculatur.* So that this day, being before called onely the *Calends of August*, was upon this occasion termed indifferently, either S. Peter's day, *Ad Vincula*, from the Instrument that wrought the miracle; or the *Gule of August*, from that part of the Virgin, whereon the miracle was wrought. *Averagium asivale fieri debet inter Pokedap, & Gulam Augusti.* *Rentale Manerii regalis de Wy.*

**Gultwit** (according to *Saxton* in his description of England, cap. 11.) Is an amends for Trespas. But I finde no such word either in *Spelmans Gloss.* *Sax. Dist.* or *Ancient Record.* Therefore, doubtless, mistaken for *Gylewite*, which *Vide.*

**Gult** (*Hofpes*) is used by *Bracton* for a Stranger or Guest that lodges with us the second night. *Lib. 3. tract. 2. cap. 10.* In the Laws of S. Edward, published by *Lambert*, num. 27. it is written *Gest*. Of this see more in *Uncouth.*

**Swabz-merched.** Is a British word, signifying a Payment or Fine made to the Lords of some Mannors, upon the Marriage of their Tenants Daughters; or otherwise upon their committing Incontinency. See *Marchet* and *Lairwite*.

**Omnibus** — *Jacobus Baskerville Miles, Dominus Maurici de Ysfley (Com. Heref.) salutem. Noveritis me prafatum Jacobum remiffisse Johanni ap John Hared. & assign. suis totum jus, titulum, &c. quod habeo de & in quibusdam Servicijis aut redditibus occurrent. de tenemento quod predictus Johannes tenet de me in predicta Manerio, qua servitia aut redditus sequuntur, viz. Poch-methorpe, otherwise called Masswinge. Swarthegeat Claimat, otherwise called Cow-yeld. Swabz-merched, otherwise called Lairwite. Arian-Piben, otherwise called Ox-Silver. Swafanaerthen, otherwise called Work-Silver. And Deitlad-Poor, otherwise called Tenant in Moor. Ita quod nec ego predicti. Jac. nec heredes mei aliquod jus, &c. in predictis servitiis in futur. habere poterimus, &c. Dat. 16 Oct. 4 Edw. 6. Penes Joh. Stead Gen.*

**Gwalstoto** (*Gwalstowum*, a Sax. *Gwal*, i. Patibulum, & *Top*, locus) *Locus patibuli seu occidendorum. Omnia Gwalstowa, id est, occidendorum loca, totaliter Regis sunt in foca sua. LL. Hen. 1. cap. 11.*

**Epitwoite** — *Habeatque ipse Episcopus (sc. Oswaldus Ep. Weorceastre) omneque sui successores ibi ad jus Ecclesiasticum, debita transgressionum & panam delictorum, quae nos dicimus Oprepregenere & gylpice, & omnia quaecunque Rex in suis Hundredis habet. Ex ipso Autographo Eadgari Regis Dat. Anno 964. Penes serenissimam Majestatem CAROLI 2. Regis. A compensation or amends for Trespas or Fraud; Multa pro Transgressionem.*

## H

**Habeas Corpus.** Is a Writ, which a Man, indicted or a Trespas before Justices of Peace, or in a Court of any Franchise, and imprisoned for it, may have out of the *Kings Bench*, thereby to remove himself thither at his own costs, and to answer the cause there. *Fitzb. Nat. Br. fol. 250.* And the order in this case is; first, to procure a *Certiorari* out of the Chancery directed to the said Justices for removing the Indictment into the *Kings Bench*, and upon that, to procure this Writ to the Sheriff, for the causing of his body to be brought at a day, *Reg. Jud. fol. 81.* where you shall finde divers cases wherein this Writ is allowed.

**Habeas Corpora.** Is a Writ that lies for the bringing in a Jury, or so many of them as refuse to come upon the *Venire facias*, for the tryal of a Cause brought to issue. *Old Nat. Br. fol. 157.* See great diversity of this Writ in the Table of the *Reg. Judic.* and the *New Book of Entries, verbo, Habeas Corpora.*

**Habendum.** Is a word of course in a Conveyance, in every of which, are two principal parts, the *Premisses*, and the *Habendum*. The Office

Office of the first is; to express the name of the *Grantor*, the *Grantee*, and the thing granted. The *Habendum* is to limit the estate, so that the general implication of the estate, (which by construction of Law, passeth in the *Premisses*) is by the *Habendum* controlled and qualified. As in a Lease to two persons, the *Habendum* to one for life, the Remainder to the other for life, alters the general implication of the Joyn-tenancy in the Freehold, which should pass by the *Premisses*, if the *Habendum* were not. *Coke, vol. 2. Bucklers Case, fol. 55. See Use.*

**Habere facias Seisinam.** Is a Writ Judicial, which lies, where a Man hath recovered Lands in the Kings Court, directed to the Sheriff, and commanding him to give him Seisin of the Land recovered. *Old Nat. Br. fol. 154.* whereof see great diversity in the Table of the *Reg. Judic.* This Writ is issuing sometimes out of the Records of a Fine executory, directed to the Sheriff of the County, where the Land lies, and commanding him to give to the Cognizee, or his Heirs, Seisin of the Land, whereof the Fine is levied; which Writ lieth within the year after the Fine, or Judgment upon a *Scire Facias*, and may be made in divers Forms. *West, part 2. Symb. tit. Fines, fol. 136.* There is also a Writ, called *Habere facias Seisinam*, ubi Rex habuit antum, diem & vastum; which is for the delivery of Lands to the Lord of the Fee, after the King hath taken his due of his Lands, who was convicted of Felony. *Reg. of Writs, fol. 165.*

**Habere facias bñm.** Is a Writ, that lies in divers cases, as in *Dower*, *Formedon*, &c. Where a *View* is to be taken of the Lands or Tenements in question. See *Fitz. Nat. Br. in Indice, verbo (View.) Bracton, lib. 5. tract. 3. cap. 8. and Lib. 5. part 2. cap. 11. See View.*

**Haberjects or Haubergets** (*Haubergetta*) A kinde of Cloth. *Una sit latitudo pannorum tintorum, ruffatorum, & Haubergettarum, scil. Dua ulna infra listas. Mag. Charta, cap. 26.*

**Habillements of War** (*Anno 31 Eliz. cap. 4.*) Armor, Harness, Utensils, or Provisions for War; without which, Men have not ability to maintain War. 3 *Part. Instit. fol. 79.*

**Hables.** Is the Plural of the French *Hable*, signifying a Sea-Port or Haven. The word is used 27 *Hen. 6. cap. 3.*

**Habbote** (*Sax.*) Was a recompence or satisfaction for the violation of Holy Orders, or violence offered to persons in Holy Orders. *Sax. Dist.*

**Hade of Land** (*Hada terra*) — *Sarsum reddidit in manus Domini duas acras terra, continens decem Seliones & duas Hadas, Anglice, Ten Kidges, and two Hades, jacens int. tetr. Maner. de Orleton, Anno 16 Jac.*

**Harede delibendo alit, qui habet custodiam terra.** Was a Writ directed to the Sheriff, willing him to command one that had the body of him; who was Ward to another, to deliver him to him, whose Ward he was, by reason of his Land. *Reg. of Writs, fol. 161. b.*

**Harede abducto.** Is a Writ that lay for the Lord, who having by right the Wardship of his Tenant under age, could not come by his body, being conveyed away by another. *Old Nat. Br. fol. 93. See Ravishment de Gard, and Harede rapti, in Reg. of Writs, fol. 163.*

**Haretico comburendo.** Is a Writ that lay against him, that was an Heretick, viz. Who, having been once convict of Heresie by his Bishop, and having abjured it, fell afterwards into it again, or into some other; and was thereupon committed to the Secular power. *Fitz. Nat. Br. fol. 269.* This Writ lies not at this day, according to Sir *Edward Coke*, in his 12 *Rep. fol. 93.*

**Havne Courts.** *Havne* is a Danish word, and signifies with us a Haven or Sea-Port. Letters Patent of *Richard, Duke of Gloucester*, Admiral of England, 14 *Aug. Anno 5 Edw. 4.* have these words. — *Uterius dicunt quod dicti Abbas & Conventus & predecessores sui habent & habere consueverunt per idem tempus in predictis villis (Bancaster & Ringstead) cum Hamo quasdam Curias Portus, vocatas Havne Courts, tenendas ibidem ad placitum Abbatis, &c. Haven or Port-Courts. 4 Inst. fol. 147.*

**Haga** (*Sax. Haeg, i. Domus, a Houfe.*) In *Domesday, tit. Suffex. Terra Rogerii, num. 11.* *Radulfus tenet unam Hagam de xii Denar. Wilhelmus quinque Hagas de quinque Sol, &c.* An ancient anonymous Author expounds *Haga* to be *Domus cum Shopa.* — *Cum novem prafate Civitatis habitaculi, qua patria lingua Hagan appellari solent. Charta Ethelredi Regis, in Auditorio Matth. Paris. fol. 240. Coke on Littl. fol. 56. b. See Hare.*

**Hagbut.** See *Hague* and *Haquebut*.

**Haia.** A Hedg, and sometimes taken for a Park or Enclosure. *Vallatum fuit & inclausatum fossato Haia & palatio. Bracton, lib. 2. cap. 40. num. 3.* Hence *Haicement* for a Hedg-fence. *Rot. Ing. 36 Edw. 3. in Scac. de Foresta.*

**Hatebote** (from the Fr. *Haze, i. sepes*, and the Sax. *Botc, i. compensatio*) Is used for a permission or liberty to take Thorns and Freeth, to make or repair Hedges.

**Halefange.** See *Pillory* and *Healfang*.

**Half-mark** (*Dimidia Merka*) Is a Noble. *Fitzherbert (in Nat. Br. fol. 5.)* says, That in case a Writ of Right be brought, and the Seisin of the Demandant, or his Ancestor alleged, the Seisin is not traversable by the Defendant, but he may tender the *Half-mark* for the enquiry of this Seisin; which is in plainer terms, that the Defendant shall not be admitted to deny, that the Demandant or his Ancestor was seised of the Land in question, and to prove his denial, but that he shall be admitted to tender *Half a Mark* in Money, to have an Enquiry made, whether the Demandant, &c. were so seised, or not. And in this signification we read the same words in the Old English, *Nat. Br. fol. 26. b.* See also *Fitz. Nat. Br. fol. 31.*

**Half-seal.** Is used in the Chancery for the sealing of Commissions to Delegates, appointed upon

upon any Appeal in Ecclesiastical or Marine Causes. *Anno 8 Eliz. cap. 5.*

**Half-tong.** See *Medietas Lingue*.

**Halimote** alias **Healgemot**, (from the Sax. *Heale, i. aula, & Gemoet, i. conventus*) Is that we now call a Court Baron; and the etymology is the Meeting of the Tenants of one Hall or Mannor. *Omnia causa terminetur vel Hundredo, vel Comitatu vel Halimot, focum habentium, vel Minorum Curia.* LL. Hen. 1. cap. 10. The name is still retained at *Lusson*, and other places in *Harefordshire*.

Hereford } *Ad Halimot ibidem tent. 11. die*  
Palatium }  
OE. *Anno Regni Regis Hen. 6. 24. Venit Johannes Garneston & Juliana Uxor ejus in plena Curia, &c.*

It is sometimes taken for a Convention of Citizens in their Publick Hall, which was also called **Folkmot** and **Halmot**. As in *London* every Company hath a Hall, wherein they keep their Courts. 4 *Inst. fol. 249.* Also a Holy or Ecclesiastical Court.

**Hall** (*Halla*, Sax. *Healle*) Was anciently taken for a Mansion-house or Habitation. *Domesday, tit. Chent. Terra Hugonis de Mountfort. In Newcestre Hundred ipse Hugo tenet unam terram quam Azor Rot tenet de R. E. (Rege Edovardo) sine Halla, i. sine domo.*

**Hallage** (Fr.) Is a Fee or Toll due for Cloaths brought for sale to *Blackwell-Hall* in *London*. *Coke, vol. 6. fol. 62. b.* Also the Toll that is due to the Lord of a Fair or Market, for such Commodities as are vended in the Common Hall of the place.

**Hallamshire** (*Anno 21 Jac. cap. 31.*) Was a part of *Yorkshire*, where the Town of *Sheffield* stands.

**Halsfang.** See *Healfang*.

**Ham** (Sax.) A House or Habitation; also a Village or Town. Hence our many Towns end with it, as *Nottingham, Buckingham, Walsingham, &c.*

**Hambles**, Is the Plural of the French *Habile*, signifying a Port or Haven of the Sea. Mentioned 27 *Hen 6. cap. 2.*

**Hameling** or **Hambling of Dogs**, Is all one with *Expediatur*. *Manwood (Part. 1. fol. 212. and part. 2. cap. 16. num. 5.)* says, This is the ancient term that Foresters used for that matter. See *Expedite*.

**Hamel**, **Hamlet**, **Hampfel**, Are Diminutives of *Ham*; and signifie a little Village, or rather part of a Village; of which three, the word *Hamlet* is now only used, though *Kitchin* useth both *Hamel* and *Hampfel*. The Learned *Spelman* upon these words, shewing the difference betwixt *Villam integram, villam dimidiam* & *Hamletam*, says thus. — *Hamletam vero, quæ mediocritatem fratribus non obtrinit, hoc est ubi quinque Capitales plegii non deprehensi sint.* The Statute of *Exon*, 14 *Edw. 1.* mentions this word thus — *Lex noster de toutes les villes & Hamlets que sont en son Wapentake, &c.*

In an ancient MS. I finde it expounded, the seat of a Freeholder.

**Hamfare** (Sax.) *Insultus factus in domo.* See *Gloss. in x. Scriptores.*

**Hamfoken** (Sax. *Hamfoen*) The Liberty, Privilege, or Freedom of a Mans own House, or home; also a Franchise or Priviledge so called, granted to the Lords of Mannors, whereby they hold Pleas, and take Cognizance of the breach of that immunity. *Sax. Dicitur. Significat quietantiam misericordie intrationis in alienam Domum vi & injuste.* Fleta, lib. 1. cap. 47. *Concedo libertatem & potestatem, jura, consuetudines & omnes fortissimas omnium terrarum suarum, i. Burgheritha, & Hundred-Serena, Athas, & Wodelas, & Infangtheofas, Hamfoene, & Fridehize, & Fozel, & Toll, & Team, in omni Regno meo, &c.* Char. Donationis ab *Edmundo Rege Eccles. Sancte Marie Glaston.* Our ancient Records express Burglavy under this word *Hamfoene*. See *Hamfoken*.

**Handbozoto** (Sax. *Bop5-hand, i. a Surety*) *Est quasi vas aut fide jussor manifestus, hoc est, minor seu inferior; nam Handbozoto vas est capitalis vel superior.* *Spelman.*

**Hand in, and hand out** (*Anno 17 Edw. 4. cap. 2.*) Is the name of an unlawful game, now disused.

**Handful**, Is four inches by the Standard. *Anno 33 Hen. 3. cap. 5.*

**Handp-warp**, A kinde of Cloth made at *Cokjall, Bocking, and Brantree in Essex*, and mentioned in the Statute of 4 & 5 *Phil. & Ma. cap. 5.*

**Hamfare.** See *Hinefare*.

**Hankwit** alias **Hangwite** (from the Sax. *HanGian, i. suspendere, and witte, mulier*) Is (according to *Kastal*) a Liberty granted to a Man, whereby he is quit of a Felon or Thief, hanged without judgment, or escaped out of custody. We read it interpreted *Mulier pro homine injuste suspensa.* And elsewhere, *Mulier pro latrone præter juris exigentiam suspensa vel elapso.* 2. Whether it may not also signifie, a liberty whereby a Lord challengeth the forfeiture due for him, who hangs himself within the Lords Fee? See *Bloudwit*.

**Hanper** or **Hanaper** of the Chancery (*Anno 10 Rich. 2. cap. 1.*) Seems to signifie, as *Fiscus* originally does in Latin. See *Clerk of the Hanaper*.

**Hante** (an old Gothish word) Signifies a Society of Merchants, combined together for the good usage, and safe passage of merchandise from Kingdom to Kingdom. This Society was, and in part, yet is endued with many large Priviledges of Princes respectively within their Territories. It had four Principal Seats or Staples, where the *Almain* or Dutch Merchants being the Erectors of this Society, had an especial House, one of which was here in *London* called *Guildhalda Teutonicorum*, vulgarly, the *Steelyard*. See *Ortelius Index, verbo, Antistiti.* — *Et quod habeant Gildam Mercatoriam cum*

*Hansa,*

*Hansa, &c.* Carta Hen. 7. Ball. & Burgenf. Mountgomer.

**Hap**, (Fr. *Happer*, to catch or snatch) Signifies the same with us, as to hap the possession of a Deed Poll, *Littleton, fol. 8.* To hap the rent; As, if partition be made between two Parceners, and more Land be allowed to one than the other, and she that has most of the Land, charges her Land to the other, and she happeeth the rent, she shall maintain Assise without speciality. *Terms Ley.*

**Haque**, Is a hand-Gun of about three quarters of a yard long. *Anno 33 H. 8. ca. 6.* and 2 & 3 *Ed. 6. ca. 14.* There is also the half-haque, or demi-haque.

**Haquebut**, (Fr.) A kind of Gun or Caliver, otherwise called an *Arquebuse*. *Anno 2 & 3 Ed. 6. ca. 14.* and 4 & 5 *Ph. & Ma. ca. 2.*

**Haratium** — *Et decimas de dominio suo, de pratiis, de bladis, parcis, Haratiis, molendinis & de vivariis.* Mon. Angl. par. fo. 339. Probably from *hara*, a Swinefly, it might signifie the breed or stock of Swine.

**Harriot**, alias **Heriot**, (*Heriotum*) Sir *Edward Coke* on *Litt. fo. 185. b.* says, This, (as he takes it) in the Saxon Tongue, is called *Heregeat*, that is, the Lords Beatt; for here, (says he) is Lord, and geat is Beatt; from which I crave liberty to dissent: For, Here in Sax. signifies an Army; and the Saxon *Heregeat*, (from whence we derive our *Heriot*) Signify'd Provision for Warr, or a Tribute given to the Lord of a Mannor, for his better preparation towards Warr: *Erant enim Hercotum militaris suppellectilis præstatio, quam obeunte vassallo, Dominus reportavit in sui ipsius munitionem*, says *Spelman*. And, by the Laws of *Canutus*, it appears, that at the death of the great Men of this Nation, so many Horses and Armes were to be paid, as they were in their respective lifetimes, obliged to keep for the Kings Service: It is now taken for the best Beast a Tenant hath at the hour of his Death, due to the Lord by Custom, be it Horse, Ox, &c. and in some Mannors, the best piece of Plate, Jewel, or the best good. *Heriot* is of two sorts; First, *Harriot Custom*, where *Harriots* have been paid time out of mind by Custom, after the death of Tenant for life. 2. *Harriot Service*, when a Tenant holds by such service to pay *Heriot* at the time of his death. For this the Lord shall distrain, and for the other he shall seize, and not distrain. If the Lord purchase part of the Tenancy, *Harriot Service* is extinguish'd, but not for of *Harriot Custom*. *Cokes 8 Rep. Talbots Case.* See *Farley*.

**Hart**, Is a Stag of five years' old complete; And, if the King or Queen hunt him, and he escape, then is he called a *Hart-Royal*; And, if by such hunting, he be chased out of the Forest, Proclamation is commonly made in the places adjacent, that in regard of the pastime the beast has afforded the King or Queen, none shall hurt him or hinder him from return-

ing to the Forest, then is he a *Hart-Royal* Proclaimed. *Manwood, Part 2. ca. 4. num. 5.*

**Hartpenny**, and **Hartp-iber**. See *Chimney-Money*, and *Peter-Pence*.

**Haubergets**. See *Haberjets*.

**Hato**, (from the Sax. *HaGa*) A small quantity of Land, so called in *Kent*; as a *Hempshaw*, or *Beanhaw*, lying near the House, and enclosed for that use. *Sax. Dicitur.* But, I have seen an ancient MS that says, *Habes vocatur mansiones five domus.* And Sir *J. d. Coke* (on *Litt. fo. 5. b.*) says, in an ancient Plea concerning *Feverham* in *Kent*, *Haws* are interpreted to signifie *Mansions*.

**Hatward**. See *Hayward*.

**Hatberk**, or **Haubert**, quasi **Hautberg**, (Fr. *Haubert. i. Lorica*) He that holds Land in France by finding a Coat, or Shirt of Mayle, when he shall be called, is said to have *Hautbericum feudum, sive de Haubert* — *Hauberk*, or *Haubergion*, with our Ancestors did signifie as in France, a Coat or Shirt of Mayle, and it seems to be so used *Anno 13 Edw. 1. Stat. 3. ca. 6.*

**Hawkers**, Those deceitful Fellows, who went from place to place buying and selling Brags, Pewter, and other Merchandise, which ought to be utter'd in open Market, were of old so called. The word is mentioned *Anno 25 Hen. 8. ca. 6.* and 33 *Edward, ca. 4.* We now call those *Hawkers*, who go up and down *London* Streets crying News-books, and selling them by retail; and, the Women who sell them by wholesale from the Press, are called *Mercury Women*. The Appellation of *Hawkers* seems to grow from their uncertain wandring, like those who with *Hawkes*, seek their Game where they can find it.

**Haya**, (*Gál. Hays, Sax. HeGe*,) A Hedge; also a piece of Ground enclosed with a hedge.

**Hayward**, (from the Fr. *Hay, i. Sepes*, and *Garde, i. Custodia*) Signifies one that keeps the common herd of the Town; and, the reason may be, because one part of his Office is to look that they neither break nor crop the hedges of enclosed Grounds. He is a sworn Officer in the Lords Court, the form of whose Oath you may see in *Kjrchin, fo. 46.*

**Hazarders**, Are those that play at the Game at Dice, called *Hazard*; *Hazardor communis iudens ad falsos talos adjudicatur quod per sex dies in diversis locis ponatur super collisfrugium.* Int. Plac. Trin. 2. Hen. 4. *Suffex 10.*

**Headbozoto**, (from the Sax. *Heab. i. Sublimatus. & Bop5, i. fide jussor*) Signifies him that is chief of the Frankpledge, and that had the principal government of them within his own pledge. And, as he was called *Headbozoto*, so was he also called *Burrowhead, Burholder, Chirdbozoto, Litchingman, Chiefpledge*, or *Wozowelder*, according to the diversity of speech in several places. Of this see *Lambert* in his explication, &c. verbo, *Centuria*; *Smyth de Rep. Angl. lib. 2. ca. 22.* The same Officer is now called a *Constable*. See *Constable*.

**Head-pence**, Was an exaction of 401. and more, heretofore collected by the Sheriff of Northumberland of the Inhabitants of that County, twice in seven years; that is, every third and fourth years, without any account made to the King; which was therefore by the Stat. 23 Hen. 6. cap. 7. **Clearly put out for eber.** See Common Fine.

**Head-silver.** See Common Fine.

**Headfang** or **Walefang**, Is compounded of two Saxon words *Half*, i. Collum, and *Fang*, *Capitum*, *penna* scilicet, *qua* aliqui collum stringuntur. See Pilloy.

**Heart-money.** See Chimney-money.

**Hecht**, Is the name of an Engin to take Fish in the River *Ouse* by *York*. Anno 23 Hen. 3. cap. 18.

**Heda**, A Haven or Port. *Domesday*.

**Heir** (*Heres*) Is he that succeeds, by right of Blood, in any Mans Lands or Tenements in Fee; for nothing passeth *Jure Hereditatis*, but Fee. By the Common Law a Man cannot be Heir to Goods or Chattels, for *Heres* dicitur ab *Hereditate*. Every Heir, having Land by descent, is bound by the binding Acts of his Ancestors, if he be named, *Qui sentit commodum, sentire debet et onus*. Coke on Littl. fol. 75. 8.

**Last Heir.** See *Last*.

**Heire-loome** (from the Sax. *Heirst*, i. *heres*, & *leome*, i. *membrum*) *Omne* utensile robustius quod ab *alibus* non facile revellitur, ideoque ex more quorundam locorum ad *heredem* transit, tanquam quorundam *hereditatis*. Spelm. It comprehends divers implements of Household, as *Tables*, *Presses*, *Cupboards*, *Bedsteads*, *Furnaces*, *Wain-scor*, and such like, which (in some Countreys, having belonged to a House certain descents, and never inventoried, after the decease of the owner, as Chattels) accrue by Custom, not by Common Laws to the Heir with the House it self. *Consuetudo* *Hundredi* de *Stretford* in *Cum-Oxon*. est, quod *heredes* *tenementorum* *infra* *Hundredum* *predictum* *existen*. post mortem *antecessorum* suorum *habebunt*, &c. *Principalium*, *Anglice* *an* *Heir-loome*, viz. *De* *quodam* *genere* *catalogorum*, *utensilium*, &c. *optimum* *plaustrum*, *optimum* *carucam*, *optimum* *capum*, &c. Coke on Littl. fol. 18. b.

**Hebber-man**, A Fisherman below *London-bridge*, who fishes for *Whittings*, *Smelts*, &c. commonly at *Ebbing-water*, and therefore so called. Mentioned in *Art.* for the *Thames-Fury*, Printed 1632.

**Hebbing-wears** (Mentioned in 23 Hen. 8. cap. 5.) Are *Wears* or *Engins* made or laid at *Ebbing-water*, for taking Fish. *Quere*.

**Hesta**, *servitium*. Inter *Placita* de temp. Jo. Regis, *Northampton* 50.

**Hechman**, *Qui* *equo* *innititur* *bellicosa*, From the German *Hengst*, a War-horse: With us it signifies one that runs on foot, attending upon a Person of Honor or Worship. Anno 3 Edw. 4. cap. 5. and 24 Hen. 8. cap. 13. It is written *Hengman*, Anno 6 Hen. 2. cap. 1.

**Henghen** (Sax. *Hengen*) A Prison, Goal, or House of Correction. *Si quis amicus destitutus, vel alienigena, ad tantum laborem veniat, ut amicum non habeat, in prima accusatione ponatur in Hengen, & ibi sustineat donec ad Dei judicium vadat*. LL. Hen. 1. cap. 65.

**Hengwite**, Significat quietantiam misericordie de latrone suspensio absque consideratione. *Fleta*, lib. 1. cap. 47. See *Hankwite*.

**Herald**, *Heralt*, or *Harold* (Ital. *Heraldo*, Fr. *Herault*, Vel quasi *Hermus altus*) Signifies an Officer at Arms, whose Function is to denounce War, to proclaim Peace, and to be employed by the King in Martial Messages. Thus described by *Polidore*, lib. 19. *Habent insuper Apparitores ministros, quos Heraldos dicunt, quorum praefectus Armorum Rex vocatur, his belli & pacis nuncii: Ducibus, Comitibusque a Rege factis, insignia aptant ac eorum funera curant*. They are Judges and Examiners of Gentlemen Arms, and Conservers of Genealogies; they Martial the Solemnities at the Coronation, and such like. The three cheif are called *Kings at Arms*, of which, *Garter* is the Principal, instituted and created by *Henry the Fifth* (*Stows Annals* pag. 584.) whose office is to attend the Knights of the *Garter* at their Solemnities, and to Marshal the Funerals of the Nobility; yet I finde in *Ploviden*, *Casu Reneger & Fugossa*, that *Edward* the Fourth granted the Office of King of *Heralds* to one *Garter*, *Cum feudis & proficiis ab antiquo*, &c. fol. 12. b. The next is *Clarentius*, ordained by *Edward* the Fourth, who, attaining the Dukedom of *Clarence*, by the death of *George* his Brother, whom he beheaded for aspiring the Crown, made the Herald, which properly belonged to that Dukedom, a King at Arms, and called him *Clarentius*. His proper office is, to martial and dispose the Funerals of all the lesser Nobility, as Knights and Esquires, through the Realm on the South-side *Trent*. The third is *Norroy*, quasi, *North-Roy*, whose office is the same on the North-side *Trent*, as *Clarentius* on the South, as is intimated by his name, signifying the Northern King, or King at Arms, of the North parts. Besides these, there are six other properly called *Heralds*, according to their original, as they were created to attend certain great Lords, &c. in Martial Expeditions, viz. *York*, *Lancaster*, *Somerset*, *Richmond*, *Chester*, *Windsor*. Lastly, there are four other called *Marshals* or *Pursuivants* at Arms, who commonly succeed in the place of such *Heralds* as die, or are preferred, and those are *Blew-mantle*, *Rouge-crois*, *Rouge-dragon*, and *Percullis*. These *Heralds* are by some Authors called *Nuncii Sacri*, and by the Ancient Romans, *Fecciales*, who were Priests. *Kings at Arms* are mentioned in the Statute of 14 Car. 2. cap. 33. Of these see more in *Six Hen. Spelmans* learned *Glossarium*.

**Herbage** (Fr.) Lat. *Herbagium*) Signifies the Pasture or Fruit of the Earth, provided by nature, for the Bit or Mouth of the Cattle: And it is commonly used for a Liberty that a

Man

Man hath to feed his Cattle in another Mans Ground, as in the Forest. *Crompt. Jur.* fol. 197. *Occurrit frequens* (says *Spelman*) *pro jure depascendi alienum solum, ut in Forestis*.

**Omibus** — *Hugo de Lugiis* — salutem. *Sciatis me dedisse* — *Thome de Evington* totam terram meam de *Alfredemore* cum pertin. Reddendo inde annuatim sex sagittas barbaras ad festum *S. Mich.* Salvo mihi & *Marg.* uxori meae, quod nos in praedicta terra habebimus Liberum Herbagium ad custum nostrum, nobis & omnibus hominibus nostris de familia nostra transcurrentibus, &c. Sine Dat. Penes *Wil. Dugdale Arm.*

**Herbenger**, (from the Fr. *Herberger*, i. *Hofstet accipere*) Signifies with us an Officer of the Kings Court, who allots the Noblemen, and those of the Household their Lodgings. *Kitchin* (fol. 176.) uses it for an Inn-keeper.

**Hercebant** (a Gal. *Herce*, to Harrow) — *Arabant* & *Hercebant* ad *Curiam Domini*, i. They did Plough and Harrow at the Mannor of the Lord. 4 *Inst.* fol. 270.

**Hereditaments** (*Hereditamenta*) Signific all such immovable things, be they corporeal, or incorporeal, as a Man may have to himself and his Heirs, by way of inheritance (see 32 Hen. 8. cap. 2.) or, not being otherwise bequeathed, do naturally, and of course descend to the next Heir, and fall not within the reach of an Executor or Administrator, as Chattels do. It is a word of great extent, and much used in Conveyances; for by the Grant of *Hereditaments*, *Isles*, *Seigniories*, *Manors*, *Houses*, and Lands of all sorts, *Charters*, *Rents*, *Services*, *Advowsons*, *Commons*, and whatsoever may be inherited, will pass. Coke on Littl. fol. 6. *Hereditamentum est omne quod jure hereditario ad heredem transit*.

**Herefare** (Sax.) *Profectio militaris & expeditionis*. See *Subsidy*.

**Heregeat**. See *Harior*.

**Heregeld** (Sax.) *Pecunia seu tributum habendo exercitus collatum*. See *Subsidy*.

**Heriot**. See *Harior*.

**Heredita** or **Hereditia**, Signifies a Soldier hired, and departing without Licence; from the Saxon *Hepe*, *exercitus*; & *Heritan*, *secedere, dissolvere*; not from *Shten*, to depart, as in 4 *Inst.* fol. 128.

**Hermitage** (*Heremitagium*) The Habitation of a *Hermit*, a solitary place. *Vulgariter* autem locus iste a laicis *Heremitagium* nuncupatur, propter solitudinem; non quod *Heremita* aliquis tempore ibidem solebat conversari. Mon. Angl. 2 par. fol. 339. b.

**Hermitozium**, Is by some Authors confounded with *Hermitage*; but I have seen it distinguished, to signify the Chappel, or place of Prayer, belonging to an *Hermitage*; for I finde in an old Charter. — *Capellam sive Hermitorium*.

**Herpsac**. See *Frodmostel*.

**Hesta** or **Hetha**. *Hestam* intelligo pro *Capo seu Gallo castrato, vel pullo quodam gallinacio*:

A Gal. *Hestoudean*, a Cockerel or Caponet. *Spel.* See *Rufca*.

**Hest-corne**. — In redeundo vero *Rex* *Athelstanus*, post peractam *viatoriam*, declinavit per *Ebor.* versus *Beverlacum*, ac nonnullas possessiones redintegrando, *Cliffellum* per *eam* ibi depositum, dedit *Deo & Glorioso Confessori Johanni* praedicto, ac septem *Presbyteris* ibidem *Deo* servientibus — *Quasdam* *avenas*, *vulgariter* *distas* *Hest-corne*, *perceptibiles* de *Dominis* & *Ecclesiis* in illis partibus, quas *Ministri* *dictae* *Ecclesiae*, usque in praesens percipiunt pacifice & quiete. Mon. Angl. 2 par. fol. 267. b.

**Heram**, Was anciently a County of it self, and a Franchife, where the Kings Writ went not; but by the Statute of 14 Eliz. cap. 13. Hexam and Hexamshire shall be within the County of Northumberland. See 4 *Inst.* fol. 222. It was also of old a Bishoprick by the name of *Episcopatus Hagustaldensis*. See *Mon. Angl.* 2 par. fol. 91.

**Hide of Land** (Sax. *Hyde* Lands ab *Hyden*, *tegere*) *Tanta* *fundi* *portio* *quantita* *unico* *per annum* *coli* *poterat* *aratro* : A Plough-Land. In an old Law Manuscript it is said to be 120 Acres. *Bede* calls it *Familiam*, and says it is as much as will maintain a Family. Others say, it is four Yardland. *Crompt.* in his *Jurisd.* fol. 222. says, A *Hide of Land* contains One hundred Acres, and eight *Hides* make a Knights Fee. *Hida* autem *Anglice* *vocatur* *terra* *unius* *aratri* *cultura* *sufficiens*. Hen. Hunting. Hist. lib. 6. But *Sir Edward Coke* holds, That a Knights Fee, a *Hide* or *Plough-Land*, a *Yard-Land*, or *Oxgang* of Land, do not contain any certain number of Acres. On Littl. fol. 69. The distribution of England by *Hides* of Land, is very ancient; for there is mention of them in the Laws of King *Ina*, cap. 14. *Henricus* 1. *Marianus* *filia* *sua* *gratia* *Imperatoris*, *cepit* *ab* *unaquaque* *hidā* *Anglia* *tres* *fol.* *Spel.* And see *Cam. Brit.* fol. 158.

**Hide-lands**. (Sax. *Hydelander*) *Terra ad Hydam seu tectum pertinens*.

**Hide and gain**, Did anciently signifie Arable Land. *Coke* on Littl. fol. 85. b. For of old to gain the Land, was as much as to Till, or are it. See *Gaining*.

**Hidage** (*Hidagium*) Was an extraordinary Tax, payable anciently for every *Hide* of land. *Bracton*, lib. 2. ca. 6. writes thus of it. *Sunt etiam quaedam communis praestationes, quae servitibus non dicuntur, nec de consuetudine veniunt, nisi cum necessitas intervenerit, vel cum Rex venerit; sicut sunt* *Hidagia*, *Coragia*, & *Carvagia*, & alia plura de necessitate, & ex consensu communitatis totius regni *tributa*, & quae ad Dominum feudi non pertinent, &c. King *Edward* 1. in the year of Christ 1294. when the *Danes* landed at *Sandwich*, taxed all his Land by *Hides*; every 310 *Hides* of Land found one Ship furnished, and every 8 *Hides* found one Jack, and one Saddle for defence of the Realm. *Willielmus Chyngesor* de unaquaque *Hida* per *Angliam* sex solidos accepit. *Florent. Wigorn.* in *An.* 1084. Sometimes *Hidage* was taken for the being



being out of that Tax; which was also called *Hode gpd.*

**Hidel,** (Anno 1 Hen. 7. ca. 6.) Seems to signify a place of protection, or a Sanctuary.

**Hits testibus.** Antiquity did add these words in the continent of the Deed, after the *In cuius rei testimonium*, written with the same hand with the Deed, which Witnesses were called; the Deed read, and then their names entered; And this clause of *Hits testibus* in Subjects Deeds continued until and in the Reign of Hen. 8. but now is wholly omitted. *Coke on Litt. fol. 6.*

**Hine,** (Sax.) A Servant, or one of the Family; but, it is now taken in a more restrictive sense, for a Servant at Husbandry; and, the *Master line*, he that oversees the rest. *Anno 12 R. 2. ca. 4.*

**Hinefare,** or **Heinfare** (from the Sax. *Hine*, a Servant, and *Fare*, a going or passage) the going or departure of a Servant from his Master. — *Siquis occidit hominem Regis & facit Hein faram, Dat. Regi xx s. &c.* *Domestick, tit. Arcanfeld.*

**Hinegeld,** Significat quietantiam transgressoris illata in servum transgredientem. *MS. Arth. Trevor. Ar.*

**Hirciscunda,** The division of an inheritance among Heirs. *Goldm. dist. Alitio Hirciscunda. See Alitio miss.*

**Hird,** i. *Domestica vel intrinseca familia.* *Inter Plac. Trin. 12 Ed. 2. Ebor. 48. MS.*

**Hithe.** See *Hyth.*

**Hobakmen,** (Anno 21 Jac. ca. 3.) Are an ancient Guild or fraternity at Newcastle upon Tyne, who deal in Seacoal.

**Hobilers,** or **Hobilers** (*Hobilarii*) *Erant milites gregarii levi armatura & mediocri equo, ad omnem motum agili, sub Edouardo 3 in Gallia merentes. Dicitur (ut vocat) vel ab istiusmodi equo, an Hobby appellato, vel potius a Gal. hobille, tunica. Tabule classes deservientes in exercitu ejusdem Edouardi Caletem obsident. Anno 1350, sic habent. Sub Comite Kildaria, Banevets 1. Knights 1. Esquires 38. Hobilers 27, &c.* These were light-horsemen, or (according to *Cowel*) certain Tenants, who, by their Tenure were bound to maintain a little light Nag, for certifying any invasion, or such like peril towards the Sea-side, as *Portsmouth*, &c. of which you may read *18 Ed. 3. Stat. 1. ca. 7. and 25 ejusdem. Stat. 5. ca. 8. and Cam. Britan. fol. 272. Duravit vocabulum usque ad atatem, Hen. 8. says Spelman. Geniz dantes & Hobelours, see *Prims Animad. on 4 Inst. fol. 307.**

**Hock Tuesday-money,** Was a Tribute paid the Landlord, for giving his Tenants and Bondmen leave to celebrate that day (which was the second Tuesday after Easter week) whereon the English did Master the domineering Danes. *Mr. Fab. Philips Mistaken Recompence, fo. 39.*

**Hochettoz,** or **Hocqueteur,** Is an old French word for a knight of the Post; a decay'd man, a basket-carrier. *3 Part Inst. fol. 175. Que nul enquevelant ne respoignant ne*

*soit surpris neu cheson per Hocketours, parent que la verite ne soit ensue. Stat. Ragman.*

**Hogenhine,** (rectius, *Third night awn kine.* i. Third night own servant) Is he that comes guest-wise to an Inn or House, and lies there the third night, after which he is accounted of that Family; and, if he offend the Kings Peace, his Host was to be answerable for him. See *Third-night-awn-hine.*

**Hokeday,** Otherwise called *Hock-tuesday*, was the second Tuesday after *Easter-week*. — *Et ad festum S. Mich. cum tenere voluerit. Senescallus Curiam de la Hele, habebit de Celario quinq. albos panes & Costellos suos plenos Cervisia, & ad idem festum pro Curia de Kinnerdione de privilegio tenendis, habebit totidem, & ad le Hokeday totidem. Mon. Angl. 2 Par. fo. 550. b. See Hocktuesday Money.*

**Hoghead,** Is a Measure of Wine, Oyle, &c. containing half a Pipe, the fourth part of a Tun, or 63 Gallons. *Anno 1 R. 3. ca. 13.*

**Holm,** (Sax. *Hulmu*), *insula amica*, A River Island, according to *Bede*; sometimes found in ancient Deeds and Records. *Coke on Litt. fol. 5. — Cum dubus holmis in campis de wedone. Mon. Angl. 2. p. fo. 292. b. where it seems to have a different signification.*

**Homage,** (Fr.) Is derived from *Homo*, and is called *Homage*, because when the Tenant does this service, he says, *I become your Man*; It is also called *Mankoud*, as the *Mankoud* of his Tenant and the *Homage* of his Tenant is all one. *Coke on Litt. fo. 64.* In the Original Grants of Lands and Tenements by way of Fee, the Lord did not once tie his Tenants to certain Services, but also took a submission with Promise and Oath to be true and loyal to him, as their Lord and Benefactor. This submission is called *Homage*, the form whereof you have in *17 Edw. 2. Stat. 2.* in these words.

When a freeman shall do Homage to his Lord, of whom he holds in chief, he shall hold his hands together between the hands of his Lord, and shall say thus, I become your man from this day forth for life, for member and for worldly honour, and shall owe you my faith, for the Land I hold of you, saving the Faith that I owe unto our Sovereign Lord the King, and to mine other Lords. And in this manner the Lord of the Fee, for which Homage is due, takes Homage of every Tenant, as he comes to the Land or Fee. *Glawr. lib. 9. ca. 1.* except women, who perform not Homage, but by their Husbands (yet *Fitz.* in his *Nat. Br. fol. 157.* says the contrary) because Homage specially relates to service in War. He says also, That Consecrated Bishops do no Homage, but only fealty; the reason may be all one; yet the Archbishop of Canterbury does Homage on his knees to our Kings at their Coronation; and, I have read, that the Bishop of the Isle of Man is Homager to the Earl of Derby. *Fulbee reconciles this, fol. 20.* in these words; By our Law a Religious Man may do Homage, but may not say to his Lord, *Ego devenio homo vester*, because he has professed him-

self

self to be onely Gods Man; but, he may say, *I do unto you homage, and to you shall be faithful and loyal.* See *Britton, ca. 68.*

*Homage* is either new with the Fee, or *ancestral.* *Homage* is also used for the Jury in a Court Baron, because it commonly consists of such as owe Homage to the Lord of the Fee. This Homage is used in other Countreys as well as ours, and was wont to be called *Hominium.* See *Hotman de verbis feud. verbo Homo.*

**Homage ancestral,** Is, where a Tenant holds his Land of his Lord by Homage, and the same Tenant and his Ancestors, (whose heir he is) have holden the same Land of the same Lord and his Ancestors, whose heir the Lord is, time out of memory of man, by Homage, and have done them Homage; such service draws to it warranty from the Lord, &c. Thus *Littleton.* In this example here put (says Sir *Edward Coke*) There must be a double prescription, both in the blood of the Lord and of the Tenant; and therefore, I think there is little or no land at all at this day holden by Homage ancestral: Yet, I have been credibly informed, that in the Mannor of *Whitney*, in *Heresfordshire*, whose Lord is of the same name, and the family has been seated and continued there for many ages; is one *West* a Tenant, who can perfectly prescribe to hold his Land of *Tho. Whitney Esq;* the present Lord thereof, by Homage ancestral.

**Homager,** (from the Fr. *Hommage*.) One that does, or is bound to do Homage to another. As the Bishop of the Isle of Man is said to be Homager to the Earl of Derby. See *Homage.*

**Homagio respectuando,** Was a Writ to the Escheator, commanding him to deliver seisin of lands to the heir, that is of full age, notwithstanding his Homage not don. *Fitz. Nat. Br. fol. 269.*

**Homesoken,** *Rectius* *Hamsoken*, & *Hamsoca*, (from the Sax. *Ham*. i. *Domus*, *Habitatio*, & *joene*, *Libertas*, *Immunitas*.) Is by *Bracton, lib. 3. Traff. 2. ca. 23.* thus defined, *Homesoken dicitur invasio domus contra pacem domini Regis.* It appears by *Rassal*, that in ancient times some men had an immunity to do this. *Si quis Hamsocam violaverit, jure Anglorum Regi emendet s. libr. LL. Canuti. cap. 39.* *Hamsoken est quod Prior tenebat Placita in Curia sua de his qui ingrediuntur domum vel Curiam alicujus ad litigandum vel furandum vel quicquid a sportandum, vel aliquod aliud faciendum, contra voluntatem illius qui debet domum vel Curiam.* *Ex Reg. Priorat. de Cokesford. See Hamsoken.*

**Homicide,** (*Homicidium*) Is the slaying of a Man, and it is divided into voluntary and casual. Voluntary homicide is that, which is deliberated and committed of a set purpose to kill; casual is that which is done by chance, without any intention to kill. Homicide voluntary is either with precedent malice, or without; the former is Murder, and is the Felonious killing, through malice prepensed, of any person living

in this Realm under the Kings protection. *West. par. 2. Symb. tit. Inditments, Sect. 37. usque ad 51.* where you may see divers subdivisions of this matter. See also *Glanvil, lib. 14. ca. 3.* and *Coke on Litt. lib. 3. ca. 8.* See *Murder*, *Manlaughter* and *Chancemedd.*

**Homine eligendo ad custodiendam pecuniam sigillatim pro mercatoribus additi,** Is a writ directed to a Corporation, for the choice of a new Man to keep one part of the Seal, appointed for Statutes-Merchant, when the other is dead, according to the Statute of *Edw. Burnel. Reg. of Writs, fol. 178. a.*

**Homine replegando,** Is a Writ for the Bailing a man out of Prison: In what cases it lies, see *Fitz. Nat. Br. fol. 66.* And *Reg. of Writs, fol. 77.*

**Homine capto in Withernamium,** Is a Writ to take him that has taken any Bondman or Woman, and led him or her out of the County, so that he or she cannot be replevied according to Law, *Reg. of Writs, fol. 79. a.* See *Withernam.*

**Hond-habend,** (from the Sax. *Hond*, *Hand*, and *Habens*, having) Signifies a circumstance of manifest Theft, when one is apprehended with the thing stolen in his hand. *Bract. lib. 3. Traff. 2. ca. 8. 32 & 35.* who also uses *handberend* in the same sense, *sc. latro manifestus.*

**Hond-peny.** — *Et sint quieti de chevagio, misericordiu, &c. Privileg. de Semplingham. Quare.*

**Honor,** Is, besides the general signification, used especially for the more noble sort of *Seigniories*, whereof other inferior Lordships or Mannors depend, by performance of some Customs or Services to those who are Lords of them. (Though anciently *Honor* and *Baronia* signify'd the same thing.) *Uti Manerium plurimum gaudet (interdum feudum, sed plerumque) tenementis, consuetudinibus, serviciis, &c.* *Ita Honor plurimum complectitur Maneria, plurima feoda militaria, plurima Regalia, &c.* *Alius etiam olim est Beneficium seu Feodum Regale, tentusque semper a Rege in Capite. Spel.* The manner of creating these Honors by Act of Parliament, may in part be gather'd out of the Statutes *53 Hen. 8. ca. 27, 38. and 34 ejusdem, ca. 5.* where *Amphib, Grafton* and *Hampton Court*, are made Honors. And by *37 Hen. 8. ca. 18.* the King is empowered by letters-patent, to erect four several Honors, viz. *Westminster, Kingston upon Hull, St. Olyths* and *Donnington*, and as many other Honors as he will. In reading several approved Authors and Records I have observed these following to be likewise Honors, viz: The Honors of *Aquila, Clave, Lancaster, Trickil, Wallingford, Nottingham, Bolton, Westgreenwich, Bodford, Barkhamstead, Plimpton, Greccure, Hagaret, East-greenwich, Windsor, Bealieu, Powerel, Ramesey, Skipton, Wymskey, Clinn, Raleigh, Montgomery, Wigmore, Huntingdon, Eye, Baynards Castle, Gloucester, Arundel, Heveningham, Cockermouth, Bulling,*

broke, Folkingham, Leicester, Hinkley, Whistchurch, Hertford, Newelme, Chester, Lovetot, Pickering, Marsdstone, Tuticbury, Warwick, Bregbrook, or Brecknok, Breckmer, Hulton. And, in a Charter of 15 Hen. 3. I find mention of the Honors of Kaermardin and Caradgan.

**Sociatis communiter, me** — accepisse in manu mea & defensione totum Honorem Ecclesie de Ramefeie, &c. Charta Gulielmi I. Abbati Ramef. Selt. 174. See Cam Britan. fol. 315, 407, 594, & 690, &c. Bakers Chro. fol. 117. Inquis. 10 Edw. 2. Cokes 4 Inst. fol. 224. Mag. Charta, cap. 31. Reg. Orig. fol. 1. Crompt. Juris fol. 115. Broke, tit. Tenure, num. 26, &c. This word is used in the same signification in other Nations.

**Honor Courts**, Are Courts held within the Honors aforesaid, mentioned 33 Hen. 8. cap. 37. And 37 Ejsuslem. cap. 18.

**Honorary Services**, (Anno 12 Car. 2. cap. 29.) Are such as are incident to the Tenure of Grand Serjeanty, and annexed commonly to some Honor or Grand Seignior.

**Hontfontenether** — Cum omnibus aliis libertatibus, tantummodo Hontfontenether mihi retento. Carta Wif. Comitiss Marefcalli. In Mon. Angl. 1 Par. fol. 724. This should have been written Hontfontenether, and signifies a Theft, taken with Hontfontenether, i. Having the thing stolen in his hand.

**Hornebeam-Hollengers**, Are Trees so called, that have usually been lopped, and are above twenty years growth, and therefore not tytable. Plowden, Casu. Subj. fol. 470.

**Horngeld** (from the Sax. Horn, cornu & Geld, Jolius) Signifies a Tax within the Forest, to be paid for horned Beasts. Crompt. Juris fol. 197. And to be free of it, is a privilege granted by the King to such as he thinks good; Quotum esse de omni collectione in Foresta de bevis cornutis affis. 4 Inst. fol. 306. — Et sint quieti de omnes geldis, & Danegeldis, & Votegeldis, & Senegeldis, & Horngeldis, &c. Diploma. Hen. 3. Canonicis & Monialibus de Semplingham. See Subsidy.

**Hors de son Fee** (Fr. i. out of his Fee) Is an Exception to avoid an Action brought for Rent, issuing out of certain Land, by him that pretends to be the Lord, or for some Customs and Services: For if the Defendant can prove the Land to be without the compass of his Fee, the Action falls. See Disfranch and Broke, hontitolo.

**Hospitalers** (Hospitalarii) Were a certain order of Religious Knights, so called, because they built an Hospital at Jerusalem, wherein Pilgrims were received: To these Pope Clement the Fifth transferred the Templars, which Order, by a Council held at Vienna, he suppressed, for their many and great misdemeanors. These Hospitalers were otherwise called Knights of S. John of Jerusalem, and are now those we call the Knights of S. John of Malta. Cassan. Gloria mundi, part. 9. Confid. 5. This Constitution was also obeyed in Edward the Second's time here in England, and confirmed by Parliament. Walsingham's Hist. Edw. 2. These are mentioned 13 Edw. 1. cap. 43. and 9 Hen. 3. cap.

37. They had many privileges granted them by the Popes, as immunity from payment of Tythes, &c. Their Lands and Goods were put into the Kings dispose by Stat. 32 Hen. 8. cap. 24. See Mon. Angl. 2 part. fol. 489.

**Hotchpot** (Fr. Hotchepot) A confused mingle-mangle of divers things jumbled or put together; so also of Lands of several Tenures, As, a Man seized of thirty Acres of Land in Fee, hath issue two daughters, and gives with one of them ten Acres in Franc-marriage, and dies seized of the other twenty; Now, if she, that is thus married, will have any part of the twenty Acres, she must put her Lands given in Franc-marriage, in Hotchpot, that is, she must refuse to take the sole profits of the ten Acres, but suffer them to be mingled with the other twenty Acres; to the end, an equal division may be made of the whole thirty, between her and her sister; and thus, for her ten Acres, she shall have fifteen, otherwise her sister will have the twenty Acres of which the Father died seized. Littleton, fol. 55. Coke on Littl. lib. 3. cap. 12. Britton, fol. 119.

**Housabold and Hopbold** — Et similiter concessionem quam idem Willielmus de Lancastre fecit eidem (Abbati & Canonicis de Cokerfand) & eorum tenentibus villa de Gairfang, tam qui essent, quam qui fuerunt de Housabold and Hopbold cum omnibus aliis libertatibus eidem Villa pertinet. Mon. Angl. 2 par. fol. 633. a. Quere.

**House-bote** (Compounded of House and Bote, i. Compensatio) Signifies Essovers, or an allowance of Timber, out of the Lords Wood, for the repair or upholding a House or Tenement. Housebote (says Coke on Littl. fol. 41. b.) is twofold, viz. Essoverium edificandi & arandi.

**House-robbing or House-breaking** (Sax. Houf-bryc) Is the robbing a Man in some part of his House, or his Booth or Stall in any Fair or Market, and the owner or his Wife, Children or Servants being within the same: This was Felony by 23 Hen. 8. cap. 1. and 3 Edw. 6. cap. 9. but now it is Felony, though none be within the House, by 39 Eliz. cap. 15. See Burglary, and West, part. 2. Symb. tit. Indictments, sect. 67.

**Hudegeld**, Significat quietantiam transgressionis illata in servum transgredientem. Supposed to be mistaken by Flea or mis-printed for Hinegeld.

**Hue and Cry** (Hutefium and Clamor, from the Fr. Huer and Crier, both signifying to shout, and cry out aloud) Signifies a pursuit of one who hath committed Felony by the High-way; for if the party robbed, or any in the company of one murdered or robbed, come to the Constable of the next Town, and will him to raise Hue and Cry, or to pursue the Offender, describing the party, and shewing, as near as he can, which way he is gone, the Constable ought forthwith to call upon the Parish for aid in seeking the Felon; and if he be not found there, then to give the next Constable warn-

ing,

ing, and he the next, until the Offender be apprehended, or at least thus pursued to the Sea-side. Of this read Brañon, lib. 3. tract. 2. cap. 5. Smith de Repub. Anglor. lib. 2. cap. 20. And the Statutes 13 Edw. 1. of Winchester, ca. 3. — 28 Ed. 3. cap. 11. and 27 Eliz. cap. 13.

The Normans had such a pursuit with a Cry after Offenders, as this is, which they called Havo, of which you may read the Grand Customary, ca. 54. Hue is used alone, Anno 4 Ed. 1. Stat. 2. In ancient Records this is called Hutefium & Clamor. See Cokes 2 Part Inst. fol. 172.

Mandatum est Gulielmo de Haverbul Thesaurario Regis, quod Civitatem London capiat in manum Regis, eo quod Cives ejusdem Civitatis non Levaverunt Hutefium & Clamorem pro morte Magistris Guidonis de Avetio & aliorum interfeutorum, secundum legem & consuetudinem regni. Rot. Claus. 30 H. 3. m. 5.

**Huers**. See Conders.

**Huiffiers**. See Usher.

**Hulm**. See Holm.

**Hundred**, (Hundredum, Centuria,) Is a part of a Shire so called; either because at first there were an hundred Towns and Villages in each Hundred, or because they did find the King 100 able Men for his Warrs. These were first ordain'd by King Alfred, the 29th King of the West-Saxons: Aluredus Rex 2 (says Lambert, verbo, Centuria) ubi cum Guthrumo daco fœdus inerat, prudentissimum illud olim a Fethrone Moisi datum secutus consilium, Angliam primus in Satrapias, Centurias & decurias, paritius est. Satrapiam, Shyre, a Scypian, (quod pariter significat) nominavit; Centuriam, Hundred, & Decuriam, Tothing five Tienmantale, i. Decemvirale Collegium appellavit; atq; ejusdem nominibus vel hodie vocantur, &c. This dividing Counties into Hundreds, for better Government, King Alfred brought from Germany; For there Centa or Centena is a jurisdiction over a hundred Towns. This is the original of Hundreds, which still retain the name, but their Jurisdiction is devolved to the County Court, some few excepted, which have been by privilege annexed to the Crown, or granted to some great Subject, and so remain still in the nature of a Franchise. This has been ever since the Stat. 14 Edw. 3. Stat. 1. c. 9. whereby these Hundred Courts, formerly farmed out by the Sheriff to other Men, were all, or the most part reduced to the County Court, and so remain at present. So, that where you read now of any Hundred Courts, you must know they are several Franchises, wherein the Sheriff has not to do by his ordinary Authority, except they of the Hundred refuse to do their Office. See West, Part 1. Symbol. lib. 2. Sect. 288. — ad Hundredum post Pascha, & ad proximum Hundredum post Festum St. Mich. — Mon. Angl. 2 p. fol. 293. a. The word Hundredum is sometimes used for an immunity or privilege, whereby a Man is quit of Hundred-penny, or Custom due to the Hundred. See Turn.

**Hundreders**, (Hundredarii) Are Men impanelled, or fit to be impanelled, of a Jury, upon any Controversie, dwelling within the Hundred, where the Land in question lies. Crompt. Jur. fol. 217. Anno 35 Hen. 8. ca. 6. It also signifies him that has the jurisdiction of a Hundred, and holds the Hundred Court. An. 13 Ed. 1. ca. 38. — 9 Edw. 2. Stat. 2. & 2 Edw. 3. ca. 4. and 'tis sometimes used for the Bayliff of an Hundred. Horns Mirror, lib. 1. ca. del Officio del Coroner.

**Hundred-lagh**, (from Hundred, and the Sax. Laſa. i. Lex.) Signifies the Hundred Court, from which all the Officers of the Kings Forreft were freed, by the Charter of Canutus, ca. 9. Manwood, Part 1. pa. 2. See Warfcoot.

**Hundred-penny**, — Est autem pecunia quam subsidii causa vicecomes olim exigebat ex singulis decuriis sui Comitatus, quas Tethingas, Saxones appellabant; Sic ex Hundredis, Hundred-penny. Spl. Pence of the Hundred, Cam. Brit. fol. 223.

**Hundred-setena** — Et habeant Socam & Sacam on Strond & on Streame, on wode & on felde, Grithbrice, Hundred-setena, Adas & Ordalas, &c. Carta Edgari Regis Monast. Glaston. Anno 12 regni. Mon. Angl. 1. p. fo. 16. b. Setena, or Setena, in composition signifies Dwellers, or Inhabitants. — Debent habere constitutionem Hundredi, quod Angli dicunt Hundred-setene, Text. Ross.

**Hurt**, (Sax. Hysce,) A Wood, or Plump of Trees.

**Huscarle**, (Sax.) A Domestic Servant, or one of the Family. The word is often found in Domestay, where we find the Town of Dorchester paid to the use of Huscarles one Mark of silver. See Karles.

**Hus & Want**. Quidam H. P. captus per querrimoniam Mercatorum Flandrie & imprisonatus offert Domino Regi Hus & Want in plegio ad standum recto, & ad respondendum predictis mercatoribus & omnibus aliis, qui versus eum loqui voluerint. Et diversis veniunt qui manucapiunt quod dictus H. P. per Hus & Want veniet ad summationem Regis vel concilii sui in Curia Regis apud Shepweye & quod stabit ibi recto, &c. Placita Curie Regis Anno 27 Hen. 3. rot. 9. Quere, an non sit commune plegium, sicut Jo. Do. & Ric. Ro. sec 4 Inst. fol. 72.

**Hulseans**, (Fr. Houfseau,) A kind of Boot, or somewhat made of course cloth, and worn over the Stocking, instead of a Boot, a Buskin. It is mentioned in the Stat. 4 Edw. 4. ca. 7.

**Husastine**, (from the Sax. Husan. Damus, & Fast, Fixus, quasi domus fixus,) Is he that holdeth House and Land. Et in franco plegio esse debet omnis qui terram tenet & idem, qui dicuntur Husastine, & etiam alii qui illis deserviunt, qui dicuntur Folgheres, &c. Brañon, lib. 3. Tract. 2. ca. 10. Some Authors corruptly write it Hurdereff & Hurdereff, rectius Hurdereff, which see in Gloss. in decem Scriptis.

**Huffeling people.** In a Petition from the Borough of *Leominster* to King *Edward the Sixth*, the Petitioners set forth, that in their Town, there were to the number of 2000 **Huffeling people**, &c. that is, 2000 Communicants; For, *Hufel* in Saxon signifies the Holy Eucharist.

**Huffings**, (*Huffingum*, from the Sax. *Huf*, *Domus* & *ping*, *causa*, *quasi Domus causarum*) antiquissima & celeberrima *Londoniarum* Civitatis *Curia* *Suprema*, the principal and highest Court in *London*. 11 *Hen. 7. ca. 21.* and 9 *Ed. 1. ca. unico.* Of the great antiquity of this Court, we find this Honourable mention in the Laws of King *Edward the Confessor*. — *Debet etiam in London, quae est Caput regni & legum, semper Curia Domini Regis singulis Septimanis Die Luna Huffings sedere & teneri; Fundata enim erat olim & edificata ad instar & ad modum & in memoriam veteris magna Troia. & usque in hodiernum diem leges, & iura & dignitates, libertates, regiasque consuetudines antiqua magna Troja in se continet — & Consuetudines suas una semper inviolabilitate conservat.* See *Taylor's Hist. of Gavelkind*, p. 55. This Court is held before the Mayor and Aldermen of *London*. Error or Attaint lies there of a Judgment or false Verdict in the Sheriffs Court, as appears by *Fitz. Nat. Br. fol. 23.* Other Cities and Towns also have had a Court of the same name, as *Winchester, Lincoln, York, Sheppey*, &c. where the Barons or Citizens have a Record of such things as are determinable before them. *Flota, lib. 2. ca. 55. Stat. 10 Edw. 2. ca. unico.* See 4 *Inst. fol. 247.* and *Gloss. in decem Scriptores*, on this word.

**Hude of Land.** See *Hide*.

**Hude-gylb**, (Sax. *Hyd-gylb*) A price or ransom paid to save ones skin, (from beating.) Also the same with *Hideage*.

**Hpyth**, (Sax.) A Port, or (little) Haven, to imbarke, or land Wares at, as *Queen-hyth, Lamb-hythe*, &c. *New Book of Entries, fo. 3.* — *de tota medietate Hithae suae apud Hengestsey, cum libero introitu & exitu*, &c. *Mon-Angl. 2 Par. fo. 142. n. 40.*

## I.

**Iack**, (olim *Wambasium*) erat tunica, quod non ferro solido, sed tunica plurimo lino intertextis muniebatur; a kind of defensive Coat worn by Horsemen in *Warr*, which some by tenure were bound to find, upon any invasion. See *Hydage*.

**Iactibus**, & **Iectibus**, (Lat.) He that loathes by default. *Placitum suum neglexerit & Iactibus evincere remansit.* *Formul. Solen. 159.*

**Jamaica**, Is one of the *American* Islands, lying on the South of *Cuba*; Its length from East to West about 50 Leagues, and breadth 20, the middle of it under the 18th degree of Northern Latitude. It was taken from the *Spaniards* by the *English*, in the year 1655, and is mentioned in the *Stat. 15 Car. 2. ca. 5.*

**Jamaica-wood**, (mentioned 15 *Car. 2. ca. 5.*) Is a kind of speckled or fine-grain'd Wood, of which Cabinets are made; called in *Jamaica, Granadillo*; The tree is low and small, seldom bigger than a mans leg.

**Jampnum**, Furze, or Gorse, and Gorsy-ground. 1 *Part Croke, fo. 179.* A word much used in Fines; and seems to be taken from the *Fr. Faulne*. i. Yellow; because the blossomes of Furze, or Gorse are so. Yet Sir *Edw. Coke* on *Litt. pa. 5.* says, *Jampna* signifies a waterish place. *quare.*

**Jarr**, (Span. *Jarro*. i. An Earthen Pot) with us it is taken for an Earthen pot, or Vessel of Oyl, containing twenty Gallons.

**Jarrook**, (Anno 1 *Rich. 3. ca. 8.*) Is a kind of Cork so called, with which this Statute prohibits Dyers to Dye Cloth.

**Identitate nominis**, Is a Writ that lies for him, who is taken upon a *Capias* or *Exigent*, and committed to prison, for another man of the same name; whereof see the form and further use in *Fitz. Nat. Br. fo. 267.* and *Reg. of Writs, fol. 194.* *Idemtitate nominis* maintainable by Executors, &c. Anno 9 *Hen. 6. ca. 4.*

**Ides**, (*Idus*.) Eight dayes in every Moneth, so called: In *March, May, July* and *October*, these eight dayes begin at the eighth day of the Moneth, and continue to the thirteenth; in other Moneths they begin at the sixth day, and continue to the thirteenth: Note, that the last day onely is called *Ides*, and the first of these dayes, the eighth *Ides*, the second the seventh *Ides*, that is, the eighth or seventh day before the *Ides*, and so of the rest. Therefore when we speak of the *Ides* of such a Moneth in general, it is to be understood of the 15th or 13th day of that Moneth. See *Calends*.

**Idiot**, Is a Greek word, properly signifying a private man, who has no publick Office; Among the Latins it is taken for *illiteratus*, *imperitus*, and in our Law for *non compos mentis*, vulgarly, a natural fool. The words of the Statute, (17 *Ed. 2. ca. 9.*) are *Rex habebit custodiam terrarum fatuorum naturalium* — Whereby it appears he must be a natural fool, that is, a Fool *a Nativitate*; For, if he were once wise, and became a Fool by chance, or misfortune, the King shall not have the custody of him. *Stam. Prærog. ca. 9. Fitz. Nat. Br. fol. 232.* If one have so much understanding as to measure a yard of Cloth, number 20 pence, or rightly name the dayes in the week, or beget a Child, he shall not be accounted an *Idiot*, or Natural Fool, by the Laws of the Realm. See *Cokes 4 Rep. Beverlys Case*.

**Idiota inquirenda vel examinanda**, Is a Writ directed to the Escheator or Sheriff of any County (where the King hath notice of an *Idiot*, naturally born so weak of understanding, that he cannot manage his inheritance) to call before him the party suspected of Idiocy and examine him, and to enquire by the oaths of Twelve Men, whether he be sufficiently witted to dispose of his own Lands with discretion or not, and to certify accordingly into *Chancery*;

For

For the King hath by his Prerogative the Protection of his Subjects, and the Government of their Lands and Substance; who are naturally defective in their discretion. *Stat. 17 Edw. 2. cap. 9. Reg. of Writs, fol. 267.*

**Ieman**, Sometimes used for *Yeoman*. *Sciunt — quid ego Johannes Smith de Bromyard in Com. Heref. Ieman dedi* — *Ricardo Wiggemore Arm. omnia terr. & Tenementa, &c. Dat. 10 Jan. Anno 9 Hen. 6.*

**Iesaille**, Is a corruption from the *Fr. J'esay faille*, i. *Ego lapsus sum*, and signifies an oversight in Pleading, or other Law proceedings. And by the *Stat. 32 Hen. 8. cap. 30.* it is enacted, That if the Jury have once passed upon the Issue, though afterwards there be found a *Jesail* in the Pleading, yet judgment shall be given, according to the Verdict. See *Broke, tit. Repleader*. A *Jesail* is, when the parties to a Sute, have proceeded to Issue, and this Pleading or Issue is so badly pleaded or joyned, or the proceedings so defective, that it will be Error, if they proceed. Then some of the said parties might by their Council shew it to the Court, which occasioned many delays in Sutes, for redress whereof, the foresaid Statute with others in *Queen Elizabeth*, and *King James* Reigns were made, and yet the fault not much amended.

**Jessen, Jetzon, and Jotson** (from the *Fr. jetter*, i. *ejicere*) Is any thing cast out of a Ship, being in danger of Wreck, and driven to the shore by the Waves. See *Florison*.

**Jews** (*Judæi*) See *Judaism*. Anciently we had a Court of the Justices assigned for the Government of the *Jews*. See 4 *Inst. fol. 254. Rex — Vic. Wigorn. salutem. Præcipimus tibi, quod clamari & observari facias per totam Balmiam tuam, quod omnes Judæi deferant in superiori indumento suo ubicunque ambulaverint vel equitaverint, infra villam vel extra, quasi duas tabulas albas in pectore factas de lino panno vel de pergameno; ita quod per hujusmodi signum manifestè possint Judæi a Christianis discerni. T. Comite apud Oxon. 30 Martii. Claus. 2 Hen. 3. p. 11. m. 10. in Dorfo.*

**Ignitegium**. See *Curfeu*.

**Ignoramus** (i. *We are ignorant*) Is properly written on the Bill of Indictments by the Grand Enquest, empanelled in the Inquisition of Causes Criminal and Publick, when they mislike their Evidence, as defective or too weak to make good the Presentment. The effect of which word so written is, that all farther enquiry, upon that party, for that fault, is thereby stopped, and he delivered without farther Answer: It hath a resemblance with that custom of the ancient *Romans*, where the Judges, when they absolved a person accused, wrote *A.* upon a little Table, provided for that purpose. i. *Absolvimus*. If they judged him guilty, they wrote *C. i. Condemnamus*. If they found the Causes difficult, and doubtful, they wrote *N. L. i. Non Liquet*.

**Ikenild-Stræt**, (*Stratum Icenorum*) Is one of the four famous ways which the *Romans* made in *England*, taking name *Ab Icenis*, who were the Inhabitants of *Norfolk, Suffolk*, and *Cambridgeshire*. *Cam. Brit. fol. 343.* See *Wastling-street*, and *LL. Edwardi Confess. cap. 12.*

**Illeivable**, That ought not, or may not be levied. As, *nihil* is a word set upon a debt Illeivable.

**Imbargo** (Span.) A stop or stay, commonly upon Ships by publick Authority. *Anno 18 Car. 2. cap. 5.*

**Imbezle** or **Imbesil**. To steal, pilfer, or purloyn. Mentioned *Anno 14 Car. 2. cap. 31.*

**Imbracerp**. See *Embracery*.  
**Imparance** (*interlocutio* or *interlocutio*) Is a Motion or Petition made in Court by the Tenant or Defendant, upon the count of the Demandant or Declaration of the Plaintiff; whereby he craves respight or a further day to put in his Answer. See *Broke, tit. Continuance*. *Imparance* is general or special: Special is with this clause, *Salvis omnibus advantagiis, tam ad jurisdictionem Curia, quam Breve & Narrationem. Kitchin, fol. 200.* General, is that which is made at large, without inserting that, or the like clause. See *Imparance*.

**Imparsonage**, As *Parson imparsonage* (*persona imparsonata*) is he that is inducted, and in possession of a Benefice. *Dyer, (fol. 40. num. 72.)* Says a Dean and Chapter are *Persons imparsones* of a Benefice appropriate to them.

**Impeachment of waste**, (*Impetitio vasti*) From the *Fr. Empeschement*, i. *Impediment* Signifies a restraint from committing waste upon Lands or Tenements. See *Waste*.

**Impediens** — *Hæc est finalis concordia facta in Curia Domini Regis apud Westm. in Octabis Sancti Hillarii, Anno Regni Regis Henrici Filii Regis Johannis Septimi, Coram Thoma de Multon, &c. Inter Willielmum de Mobum querentem & Will. Brewerem impediendum de Manerio de Clynton, &c. Et unde Placitum de Escambio faciendo summonit. fuit inter eos in eadem Curia, &c. Where Impediens seems to be used for Defendantem or Desorcientem.*

**Impetration** (*Impetratio*) An obtaining by Request and Prayer. It is used in our Statutes for the pre-obtaining of Benefices and Church Offices in *England*, from the Court of *Rome*, which did belong to the gift and disposition of our Lord the King, and other Lay Patrons of this Realm. The penalty whereof was the same with *Provisors*. 25 *Edw. 3. See 38 Edw. 3. Stat. cap. 1.*

**Impriement** (*Anno 23 Hen. 8. cap. 9.*) Signifies as much as Impairing or Prejudicing: For the words of the Statute are — *To the great Impriement and diminution of their good names.*

**Implements** (from *impleo*, to fill up) Are such things, as tend to the necessary use of any Trade, or Furniture of a House.

**Implead** (from the *Fr. Plaider*) To sue, arrest, or prosecute by course of Law.

O o

Impost

**Impost** (Fr.) Tribute, Tallage, or Customs but more particularly it is that Tax which the King receives for such merchandises as are imported into any Haven, from other Nations. 31 Eliz. cap. 5. And it may be distinguished from *Custum*, which is rather that profit which the King raises from Wares exported; but they are sometimes confounded.

**Impzinery** (Fr.) a Print, Impression; also, the Art of Printing, or a Printing-House. Anno 14 Car. 2. cap. 33.

**Impzopziation** (of which, there are in England 3845.) See *Appropriation*.

**Impzobement**. See *Approve*.

**In alto & imo**. The same with *Alto & basso*.

**Inbozh and Out-bozh**. (Sax.) Vide *Camd. Britan. in Ottadinis: Ubi Patricium Comitum Dunbarrensem, eto Hen. tertii, Inbozoh & Out-bozoh inter Angliam & Scotiam appellat, i. (si fas sit a doctissimis viri sententia recedere) fideiussorem omnium ex uno in alterum regnum iter facientium, sive inter utraque regna viatorum. Simile habes in S. C. de Monticulis Wallie, inter LL. Saxonice, cap. 6. Sax. Dict.*

**In casu consimili**. Is a Writ. See *Casu consimili*.

**In casu pzobiso**, Is another. See *Casu pzobiso*.

**Inchanter** (*Incantator*) Is he, or she, *Qui carminibus vel cantuunculis demonem adjurat*. They were anciently called *Carmina*, because in those days, their Charms were in Verse. 3 Part. Inst. fol. 44.

**Incident** (*incident*) Signifies a thing appertaining to, or following another, that is more worthy or principal. As a Court Baron is so incident to a Mannor, and a Court of Piepowders to a Fair, that they cannot be severed by Grant. *Kitchin, fol. 36. See Coke on Littl. fol. 151. b.*

**Incroche**. Admirals and their Deputies do Incroche to themselves divers Jurisdictions, &c. Anno 15 Rich. 2. cap. 3. See *Encrochments*.

**Incumbent** (from *incumbo*, i. to endeavor earnestly) Is a Clerk who is resident on his Benefice with Cure. *Coke on Littl. fol. 119. b.* And is so called, because he does or ought to bend all his study to the discharge of the Cure. 10 Hen. 6. 7. And 1 & 2 Phil. & Ma. cap. 17.

**Indecimable** (*Indecimabilis*) That is not tythable, or ought not (by Law) to pay Tythe. 3 Part. Inst. fol. 490.

**Indenture** (*Indentura*) Is a writing comprising some Contract, Conveyance, or Covenant, between two or more, and being indented in the top answerable to another part, which hath the same Contents, it thence takes name; and differs from a *Deed Poll*, which is a single Deed unindented. *Coke on Littl. fol. 229.* The *Civilians* define an Indenture to be *Scriptura inter creditorem & debitorem indentata, &c.*

**Indefensible**, That cannot be defeated, undone, or made void: As, *A good and indefensible state, &c.*

**Indefensus**, One that is impeached, and refuseth to Answer. *MS. de temp. F. 3.*

**Indicabit**, Is a Writ or Prohibition that lies for a Patron of a Church, whose Clerk is Defendant in Court Christian, in an Action of Tythes, commenced by another Clerk, and extending to the fourth Part of the Church, or of the Tythes belonging to it: For in this Case, the Sute belongs to the Kings Court, by the Statute of *Westm. 2. cap. 5.* Wherefore the Patron of the Defendant, being like to be prejudiced in his Church and Advowzen, if the Plaintiff obtain in the Court Christian, hath this means to remove it to the Kings Court. *Reg. of Writs, fol. 35. b. and Britton, cap. 109.*

**Indictor**, He that indicteth another Man for any offence. *Stat. 1 Edw. 3. cap. 11. And Indictor, he that is so indicted. Anno 21 Jac. cap. 8.*

**Inditement**. See *Enditement*.

**Indivisum**, Is used for that which two hold in Common without Partition. *Kitchin, fol. 241.* in these words, *He holds pro indiviso, &c.*

**Indorsed** (*Indorsatus*) Signifies any thing written on the backside of a Deed, as a Condition endorsed on the backside of an Obligation; the Sealed and delivered, &c. on the back of an Indenture, is called the *Indorsement*.

**Induction** (*Inductio*) A leading into. It is most commonly taken for the giving an Incumbent Livery and Seisin (as it were) of his Church, by leading him into it, and delivering him the Keys of it, by the Commissary or Bishops Deputy, and by his ringing one of the Bells. See 3 Part. *Crokes Rep. fol. 253.*

**In esse** (*Anno 21 Jac. cap. 2.*) In being. Philosophers contra-distinguish things in *Esse*, from things in *Possesse*, or in *Potentia*. As, a Child before he is born, or even conceived, is a thing in *Possesse*, or which may be: After he is born, he is said to be in *Esse*, or Actual being.

**Infangtheof, Infang-theof, or Infangenetheof**, (from the Sax. *fangan, capere*) Signifies in the old Saxon *Latronem infra caput*, i. taken within the Mannor or Liberty of any Man, having jurisdiction, granted by the King, to try such Theif within his Fee. *Anno 1 & 2 Phil. & Ma. cap. 15.* A Charter of Henry the First to Sir Benedict Ramer, and S. Ivo, the Archbishop, hath these words — *Cum faka & soca & cum Tol, & Theam, & cum infra capto fure* — In the Laws of S. Edward the Confess. cap. 26. Thus, *Qui habet Sacam & Socam, Thol & Theam, & Infangtheof, iustitia cognoscens latronis sua est, de homine suo, si captus fuerit super terram suam, &c. Infangtheof, i. Quod latrones capti in Dominio vel feodo Prioris, & de latrocinio convicti in Curia Domini Prioris judicentur & ad furem ejus suspendentur. Ex Reg. Priorat. de Cokesford. See Brañon, lib. 3. trañ. 2. cap. 31. who says, (inter al.) Et dicitur Infangetheof latro captus in terra al-*

cujus,

cujus, de hominibus suis propriis, scilicet latrocinio. *Infangtheof* vero dicitur latro extraneus, veniens aliunde de terra alieni, & qui captus fuit in terra ipsius qui tales habet libertates, &c. See also Sir Hen. Spelman's learned *Glossarium*.

**In forma pauperis**, Is when any Man, who hath just cause of Sure in *Chancery*, and will make *Affidavit*, that he is not worth Five pounds, his debts being paid, then upon a Petition to the Master of the Rolls, he shall be admitted to sue *In forma pauperis*, and shall have Council, and Clerks assigned him, without paying Fees, and the like by the Judges of other Courts.

**Information for the King** (*Informatio pro Rege*) Is that which, for a common person we call a *Declaration*, and is not always preferred directly by the King or his Attorney; but also by some other person, who prosecutes, as well for the King, as for himself, upon the breach of some Penal Law or Statute, wherein a penalty is given to the party that will sue for the same, and may either be by Action of Debt or Information.

**Informatus non sum, or Non sum informatus**, Is a Formal Answer made of course by an Attorney, who is not instructed to say any thing material, in defence of his Clients cause, by which he is deemed to leave it undefended, and so Judgment passeth against his Client. See the *New Book of Entries, verbo, Non sum informatus*.

**Informor** (*Informator*) Is one who informs or prosecutes in the *Exchequer, Kings Bench, or Common Pleas, Assises, or Sessions*, against those that offend or break any Laws, or Penal Statutes: And are sometimes called *Promoters*; by the *Civilians, Delatores*.

**Ingressu**, Is a Writ of Entry, whereby a Man seeks Entry into Lands or Tenements, and lies in divers Cases, wherein it hath as many diversities of Forms. See *Entry*. This Writ is also called in particular *Præcipe quod reddat*, because those are formal words in all Writs of Entry.

**De Ingressu sine assensu Capituli, &c.** (*Reg. of Writs, fol. 230.*) Is a Writ given by the Common Law to the Successor of him, who alienated *Sine assensu capituli, &c.* And is so called from those words contained in the Writ. *Coke on Littl. fol. 325. b.*

**Ingroffator magni Rotuli**. See *Clerk of the Pipe*.

**In grosse**, Is that which belongs to the person of the Lord, and not to any Mannor, Lands, &c. As *Villain in grosse, Advowzen in grosse, &c.* *Coke on Littl. fol. 120. b.*

**Ingroffing of a Fine**, Is making the Indentures by the *Chirographer*, and the delivery of them to the party to whom the Cognisance is made. *Fitz. Nat. Br. fol. 147. A.*

**Ingroffer** (*Ingroffator*) Is one that buys Corn growing, or dead victuals to sell again, except Barley for Malt, Oats for Oat-meal, or Victuals to Retail; Badging by Licence and buying of Oyls, Spices and Victuals, other then Fish or Salt. *Anno 5 Edw. 6. cap. 14.*

— 3 Eliz. cap. 14. — 13 Eliz. cap. 25. These are the words of *West's Symbol. par. 2. tit. Indictments, sect. 64.* But this definition rather belongs to *unlawful ingrossing*, then to the word in general. See *Forefetter*, and 3 Part. Inst. fol. 195.

**Ingroffer**, Is also a Clerk that writes Records or Instruments of Law in Skins of Parchment; as in *Henry the Sixth's* time, He, who is now called *Clerk of the Pipe*, was called *Ingroffator Magni Rotuli*, and the Comptroller of the Pipe was called *Duplex Ingroffator*. Spelm.

**Inheritance** (*Hereditas*) Is a perpetuity in Lands or Tenements to a Man and his Heirs: For *Littleton, lib. 1. cap. 1.* saith this word is not onely understood, where a Man hath inheritance of Lands and Tenements by descent of heritage; but also every Fee-simple or Fee-tail that a Man hath by his purchase may be called *Inheritance*, because his Heirs may inherit him. Several Inheritance is that which two or more hold severally, as if two Men have Land given to them, and the Heirs of their two Bodies, these have Joynt Estate during their lives, but their Heirs have several inheritance. *Kitchin, fol. 155.* A Man may have an inheritance in title of Nobility, three manner of ways. 1. By Creation. 2. By Descent. And 3. by Prescription.

**Inhibition** (*Inhibitio*) Is a Writ to forbid a Judge from farther proceeding in the Cause depending before him. See *Fitz. Nat. Br. fol. 39.* where he confounds *Inhibition* and *Prohibition*. But *Inhibition* is most commonly a Writ issuing out of a higher Court Christian to an inferior, upon an Appeal. *Anno 24 Hen. 8. cap. 12. and 15 Car. 2. cap. 9.* And *Prohibition*, out of the Kings Court, to a Court Christian, or an Inferior Temporal Court.

**Injunction** (*Injunctio*) Is a Writ grounded upon an interlocutory order of the *Chancery*; sometimes to give possession to the Plaintiff, for want of appearance in the Defendant; sometimes to the Kings Ordinary Court, and sometimes to the Court Christian, to stay proceeding in a Cause, upon suggestion made, that the rigor of the Law, if it take place, is against Equity and Conscience in that case. See *West, Par. 2. Symbol. tit. Proceedings in Chancery. sect. 25.*

**Inlagh or Inlaughe** (*Inlagatus*) Signifies him that is (*sub lege*) in some Frank-pledge, not out-lawed, of whom, thus *Brañon, trañ. 2. lib. 3. cap. 11.* *Famula ulagari non potest, quia ipsa non est sub lege, i. Inlaughe, anglie, scil. in Franco plegio, sive decenna, sicut masculi 12 annorum vel amplius.*

**Inlagary or Inlagation** (*Inlagatio*) Is a restitution of one outlawed, to the Protection of the Law, or to the benefit or liberty of a Subject. From the Sax. *In-lagian, i. Inlagare.* — *Et ex eo scilicet legis patrucinis adeo capax reddat, ut ad compensationem admittatur. LL. Canuti Reg. pag. 1. cap. 2.*

**Inland** (*Inlandum*) Terra dominicalis, pars Mancie Dominica, terra interior; For that which



which was let out to Tenants was called *Witland*. In the Testament of *Brithericus*, in *Itinerar. Kantii*; thus, to paisege þat *Inland*] to aþeige þat *Witland*, i. *Lego terras Dominicales Wulwego, Tenementales Aliego*. Thus Englished by *Lambert*, *Lo Wulfe* (I give) the *Inland* of *Wemans*, and to *Elsep* the *Outland* of *Tenacep*. — *Ex dono Wil. de Epton 50 Aeras de Inlanda sua*. Rot. Cart. 16 Hen. 3. m. 6. This word is often found in *Domesday*.

**Inteased** (Fr. *Enlasse*) Intangled or intangled. The word is found in the *Champions Oath*. 2 Part. *Cokes Inst.* fol. 247.

**Inmates**. Are those that are admitted to dwell for their Money jointly with another Man, though in several Rooms of his Mansion-house, passing in and out by one door, and not being able to maintain themselves; which are inquirable in a *Leet*. *Kitchin*, fol. 45. where you may finde who are properly *Inmates* in Intendment of Law.

**Innes of Court** (*Hofitii Curia*) Are so called, because the Students therein, do there not only study the Laws, but use such other exercises, as may make them more serviceable to the Kings Court. *Forrest*, cap. 49. Of these there are four well known, viz. The *Inner Temple*, *Middle Temple*, *Lincolns Inn*, and *Greys Inn*. These, with the *Two Serjants Inns*, and *Eight Inns of Chancery*, do altogether (to use *Sir Edward Cokes* word) make the most famous University, for Profession of Law only, or of any one Humane Science in the World. Of which, see *Mr. Dugdales Origines Juridicales* at large.

**Innotescimus**, Letters Patent so called, which are always of a Charter of Feoffment or some other Instrument, not of Record; and so called from the words in the Conclusion, *Innotescimus per presentes*. An *Innotescimus* & *Vidimus* are all one. See *Pages Case*, 5 Rep.

**Innuendo** (from *innuo*, to beck or nod with the Head, to signify) a word used in Writs, Declarations, and Pleadings, and the Office of it is onely to declare and ascertain the person or thing, which was named or left doubtful before; as to say, he (*Innuendo*, the Plaintiff) is a Thief, when as there was mention before of another person. *Innuendo* may not enlarge the fence of the words, nor make a supply, or alter the Case where the words are defective. *Huttons Rep.* fol. 44.

**Inpeny and Outpeny**. In the Register of the Monastery of *Cokesford*, pag. 25. Thus, — *De Inpeny & Outpeny consuetudo talis est in villa de East Rudham de omnibus servis qui infra Burgagium tenentur; viz. Quod ipse, qui vendiderit vel dederit dictam tenuram alicui, dabit pro exitu suo de eadem tenura unum denarium, pro ingressu suo. Et si predicti Denarii a retro fuerint, Ballivus domini distringet pro eisdem denariis in eadem tenura*. — These words and Custom, are also mentioned in the *Rolls of a Court* there held, about the Feast of the *Epiphany*, Anno 12 Rich. 3. *Spelm.*

**Inquirendo**, Is an Authority given to any person to enquire into something for the Kings advantage; in what case it lies. See *Reg. of Writs*, fol. 72, 85, 124, 265.

**Inquisition** (*Inquisitio*) Is a manner of proceeding by way of search or examination, in matters criminal, by the great Enquest before Justices in Eyre. It is also used in the Kings behalf in Temporal Causes and Profits, in which fence it is confounded with *Office*. *Stanf. Prærog.* fol. 51.

**Inquisitors** (*Inquisitores*) Are Sheriffs, Coroners, *Super visum Corporis*, or the like, who have power to enquire in certain Cases. *Stat. of Marlbridge*, cap. 13. *Britton*, fol. 4. And in *Westm.* *Inquirors* or *Inquisitors* are included under the name of *Ministri*. 2 Part. *Inst.* fol. 211.

**Inrolment** (*Inrolutio*) The Registering, Recording, or Entering any lawful Act in the *Rolls* of the Chancery, *Exchequer*, *Kings Bench*, or *Common Pleas*, in the *Hustings* of London, or by the Clerk of the Peace in any County: As a Statute or Recognizance acknowledged, or a Deed of Purchase enrolled. Anno 27 H. 8. cap. 16. See *West*, par 2. *Symb. tit. Fines*, sect. 133.

**Insidiatores viarum** (Way-layers) Are Woods, which by the Stat. 4 Hen. 4. cap. 2. Are not to be put in Indictments, Arraigments, Appeals, &c.

**Insimul tenuit**, Is one Species of the Writ of *Partition*. See *Formdon*.

**Insinuation** (Anno 21 Hen. 8. cap. 5.) A creeping into a Mans Minde or Favor, covertly. *Insinuation of a Will*, is (among the *Civilians*) the first Production of it, or the leaving it *Penes Registrarium*, in order to its Probat.

**Infeximus**. Letters Patent so called, and is the same with *Exemplification*, which begins thus. *Rex — Omnibus — Infeximus irrotulamentum quarund. literarum Patent* &c. It is called *Infeximus*, because it begins, after the Kings title, with this word *Infeximus*. See *Pages Case*, 5 Rep.

**Instalment** (Anno 20 Car. 2. cap. 2.) A Settlement, Establishment, or sure placing in; sometimes it is confounded with *Abatement*.

**Institution** (*Institutio*) Is when the Bishop says to a Clerk, who is presented to a Church-Living, *Instituo te Rectorem talis Ecclesie, cum cura animarum, & accipe curam tuam & meam*. Every Rectory consists of a Spirituality, and a Temporality; as to the Spirituality, viz. *Cura animarum*, he is a complete Parson by *Institution*; but as to the Temporalties, as *Gleeland*, &c. he has no Frank-tenant therein, till *Induction*. *Cokes 4 Rep. Digbys Case*. The first beginning of *Institutions* to Benefices, was in a National Synod held at *Westminster* by *John de Crema*, the Popes Legate, Anno 1124. which see in *Seldens Hist. of Tythes*, pag. 375.

**In super** (Anno 21 Jac. cap. 2.) Is used by Auditors in their Accounts in the *Exchequer*; when they say so much remains in *super* such an

Ac-

Accountant, that is, so much is charged upon him, in his account.

**Intakers**, Were a kind of Theeves in *Redesdale*, and the furthest parts of the North of England, mentioned 9 Hen. 5. ca. 8. So called, because they, dwelling in that liberty, did take in, and receive such booties of Cattel and other things, as their Complices the *Outparters* brought in to them, from the borders of Scotland. See *Outparters*.

**Intendment of Law**, (Fr. *Entendement*, *intellectus*.) the Understanding, Judgment, Intention or true meaning of the Law. Regularly Judges ought to judge according to the common Intendment of Law. *Coke on Litt.* fo. 78.

**Inter canem & lupum** — *Margeria filia Nicholai de Okele appellat Johannem Chose pro raptu & pace Regis fracta die Martis prox.* &c. *inter canem & lupum*. i. In crepusculo, scilicet Anglice twilight. i. *Inter diem & noctem*, &c. *Inter Plac. de Trin.* 7 Edw. 1. Rot. 12. Glouc. — *In placito de domo combusta maliciose, hora vespertina, scilicet, inter canem & lupum, venerunt malefactores*, &c. *Plac. Cor. apud Novum Castrum* 24 Ed. 1. Rot. 6.

**Intercommoning**, Is, where the Commons of two Mannors lie contiguous, and the Inhabitants of both have time out of mind depastured their Cattel promiscuously in each of them.

**Interdiction**, (*Interdictio*) Has the same signification in the Common, as it hath in the Canon Law, which thus defines it: *Interdictio est censura Ecclesiastica prohibens administrationem divinorum*. And so it is used 22 Hen. 8. ca. 12 & 25. ejusdem, cap. 20.

**Interdicted of Water and Fire**, Were in old time those, who, for some crime were banished; which Judgment, though it was not by express sentence pronounced, yet, by giving order, That no man should receive them into his house, but deny them Fire and Water, (the two necessary elements of life) they were condemned, as it were to a Civil death; and this was called *legitimum exilium*. *Livie*.

**Interest**, (*Interesse*) Is vulgarly taken for a term or Chattel real, and more particularly for a future term; in which case it is said in pleading, that he is possessed *de interesse termini*. But *ex vi termini*, in legal understanding, it extends to Estates, Rights and Titles, that a man hath of, in, to, or out of Lands; For, he is truly said to have an interest in them. *Coke on Litt.* fo. 345. b.

**Interlocutory Order**, (*Ordo interlocutorius*) Is that which non definit controversiam, sed aliquid obiter, ad causam pertinent, decorat. As, where an Order is made, by thorton in Chancery, in a Sure there depending, for the Plaintiff to have an Injunction, to quiet his possession, till the hearing of the Cause; This, or any such like order, which is not final, is call'd *interlocutory*.

**Interpleader**. See *Enterpleader*.

**Intestates**, (*Intestati*.) There are two kinds of *Intestates*; one that makes no Will at all;

another that makes a Will and Executors, and they refuse; in which case he dies *quasi intestatus*. 2 Part *Inst.* fol. 397.

**Intierrie**. See *Entierrie*.

**Intrusion**, (*Intrusio*.) Is, when the Ancestor dies seiz'd of any Estate of inheritance, expectant upon an estate for life, and then Tenant for life dies, between whose death and the entry of the Heir, a stranger does interpose himself and intrude. *Coke on Litt.* fo. 277. To the same effect is *Bracton*, lib. 4. ca. 7. *Intrusio est ubi quis, cui nullum jus competit in re nec scintilla juris, possessionem vacuum ingreditur*, &c. See him at large, and *Fleta*, lib. 4. ca. 30. *Selt.* 1 & 2. *Britton*, ca. 65. See *Abatement*, *Entrusion*, and the Stat. 21 Jac. ca. 14.

**Intrusione**, Is a Writ that lies against the Intruder, *Regist.* fo. 233.

**Inbadiationes, Morgages, or Pledges**. — *Confirmamus eis omnes alias donationes, venditiones & inbadiationes eis rationabiliter factas*. Mon. Angl. 1. pa. fo. 473. a.

**Inbentarte**, (*Inventarium*.) Is a list or repository, orderly made, of all dead mens goods and Chattels, prized by four credible Men or more, which every Executor or Administrator ought to exhibit to the Ordinary, at such time as he shall appoint. *West*, Part 1. *Symbol. lib.* 2. *Selt.* 696. where likewise you may see the form. This *Inventary* proceeds from the Civil Law; for, whereas by the ancient Law of the Romans, the Heir was tied to answer all the Testators Debts, by which means Inheritances were prejudicial to many men: *Fustinian*, to encourage men the better to take upon them this charitable Office, ordain'd, That, if the Heir would first make and exhibit a true *Inventary* of all the Testators Substance coming to his hands, he should be no farther charged then to the value of it. *Lib. ult. Cod. de Fure deliberando*.

**In ventre sa mere**, (Fr.) In the Mothers Belly; Is a Writ mentioned in the Register of Writs, and in *Anno 12 Car. 2. ca. 24.*

**Inven**, (from the Fr. *Investe*.) Signifies to give possession. *Investitura proprie dicitur quando basta vel aliquod corporeum traditur a Domino*, says the *Feudist*, lib. 2. tit. 2. We use likewise to admit the Tenant, by delivering him a *Verge* or Rod into his hands, and ministering him an Oath, which is called *Investing*. Others define it thus, *Investitura est alicujus in suum jus introductio*, a giving *Livery* of seisin or possession.

**Invoice**, (12 Car. 2. ca. 34.) Is a particular of the value, custom, and charges of any goods sent by a Merchant in another mans Ship, and consign'd to a Factor or correspondent in another Country.

**Inure**, Signifies to take effect, or be available; As the pardon inureth — *Stanf. Prærog.* fo. 40. See *Figure*.

**Jocalia, Jewels**. — *Edward the First employ'd one Andewar, ad jocalia sua impignoranda*. *Clauf.* 29 Edw. 1. — *Præterea confederantes gratiam subventionem quam præfati abbas & Monachi (Rading) nobis fecerunt de magnis*

et praeiosis localibus ac aliis rebus suis in subsidium expensarum et sumptuum, quos circa praesens passagium nostrum versus partes transmarinas, &c. In mem. Scac. de Anno 20 Ed. 3. Trin. Rot. 3.

**Jocarius, a Jester.** In a Deed of Richard Abbas de Bernay to Henry Lovet, sine dat. among the witnesses to it, was *Willielmo tunc Jo-cario Domini Abbatis*.

**Joclet.** (Sax.) *Prædolum*, agri colendi portuicula: A little Farm or Mannor, in some parts of Kent called a *Joclet*, as requiring but a small Yoke of Oxen to till it. Sax. dict.

**Jotson.** See *Fetfen & Flosjon*.

**Joynder.** Is the coupling or joyning of two in a Sute or Action against another. Fitz. Nat. Br. fo. 118. and in many other places, as appears in the Index, verbo *Joynder*.

**Joyntenants.** (*Simul tenentes, or qui conjunctim tenent*.) Are those that come to, and hold Lands or Tenements jointly by one title *pro indiviso*, or without partition. Littleton, lib. 3. ca. 3. And, these *Joyntenants* must jointly plead, and jointly be impleaded by others, which property is common between them and *Coparceners*, but *Joyntenants* have a sole quality of survivorship, which *Coparceners* have not. For, if there be two or three *Joyntenants*, and one has Issue and dies, he or those *Joyntenants* that survive shall have the whole by survivorship. See Coke on Litt. fo. 180.

**Joyning of Issue.** (*Functio exitus*.) See *Issue*. **Joynture.** (*Functura*.) Is a Covenant or Settlement, whereby the Husband, or some other friend in his behalf assureth to his Wife, in respect of Marriage, Lands or Tenements for term of her life or otherwise. It is so called, either, because it is granted *ratione Functurae in matrimonio*; or because the Land in Frank-marriage is given jointly to the Husband and Wife, and after to the heirs of their bodies, whereby the Husband and Wife are made *Joyntenants* during the Coverture. Coke, lib. 3. Butler and Bakers Case. *Joynture* is also used as the abstract of *Joyntenants*. Coke, lib. 3. Marg. of Winchesters Case.

**Journal.** (Fr.) A Diary, or Day-book. *Journals of Parliament* are no Records, but Remembrances; they are not of necessity, nor have been of long continuance. See *Hab. Rep.* fo. 109.

**Journ-choppers.** (Anno 8 Hen. 6. ca. 5.) Were Registrars of Tarn. Whether that we now call Tarn was in those dayes called *Journ*, I cannot say; but, *choppers* in these dayes are well known to be *changers*; As, to *chop and change*, is a familiar phrase. See *Chop-chirch*.

**Journp-man.** (from the Fr. *Journée*. i. A day, or days work) Was properly he, that wrought with another by the day; though now by Statute it be extended to those likewise that covenant to work with another in their Occupation or Trade, by the year. Anno 5 Eliz. ca. 4.

**Ire ad largum.** To go at large, to escape, to be set at liberty.

**Irregularity.** (*Irregularitas*.) Disorder, going out of Rule: In the Canon Law it is taken for an impediment, which hinders a man from taking *Holy Orders*; as, if he be base-born, notoriously defamed of any notable Crime, maimed, or much deformed, or has consented to procure anothers death, with divers other.

**Irrepleviable, or Irreplevitable.** That may not, or ought not by Law to be replevied, or set at large upon Sureties. *The Distress shall remain irrepleviable.* Anno 13 Ed. 1. ca. 2.

**Isinglas.** (*Gluten piscium*.) Is a kind of Fish-glue, or Fish-gum, brought from Iceland and those parts, and is used in Medicines, and, by some, in the adulteration of Wines, in which last use it is prohibited by Stat. 12 Car. 2. ca. 25.

**Issue.** (*Exitus*.) Hath divers applications; sometime being used for the Children begotten between a Man and his Wife; sometime for Profits growing from Amercements or Fines; sometimes for Profits of Lands or Tenements. (*Westm. 2. An. 13 Ed. 1. ca. 39.*) Sometime for that point of matter depending in Sute, whereon the parties joyn, and put their Cause to the Trial of the Jury. And, in all these, it has but one signification, which is an effect of a Cause preceding; as Children are the effect of the Marriage; the Profits growing to the King or Lord from the punishment of any mans Offence, is the effect of his Transgression; the point referred to 12 Men is the effect of pleading or process. *Issue*, in this last signification, is either *general*, or *special*.

*General Issue* seems to be that, whereby it is referred to the Jury to bring in their Verdict, whether the Defendant have done any such thing as the Plaintiff lays to his charge: For example, if it be an Offence against any Statute, and the Defendant plead *not culpable*, this being put to the Jury, is called the *General Issue*; See *Daffor and Student*, fo. 158. b. The *Special Issue* then must be that, where *special matter* being alleged by the Defendant, for his defence, both parties joyn thereupon, and so grow either to a demurrer, if it be *questio juris*, or to a Trial by the Jury, if it be *questio facti*. An. 4 Hen. 8. ca. 3. See the *New Book of Entries*, verbo *Issue*, and 18 Eliz. ca. 12.

**Itinerant.** (*Itinerans*. i. That takes a journey.) Those were anciently called *Iustices itinerant*, who were sent with Commission into divers Counties, to hear such causes specially as were termed Pleas of the Crown. See *Iustices in Eyre*.

**Judaism.** (*Judaismus*.) The Custom, Religion or Rites of the Jews: This word was often used by way of exception, in old Deeds; as *Sciatis* — *Quod ego Rogerus de Morice dedi Willielmo Harding pro tribus marcis argenti — unum crosum* — *Habend. de me & heredibus meis sibi & heredibus ejus vel ejus assignatis & eorum heredibus cuicunque, quocunque vel quocunque dictum Crosum dare, vendere, legare, invadare, vel aliquo modo assignare voluerint in quocunque*

quocunque statu fuerint, libere, quiete, integre, bene & in pace, excepta Religione & Judaismo, &c. Sine dat. The Stat. De Judaismo was made 18 Edw. 1. At which Parliament, the King had a Fifteenth granted him *Pro expulsiōe Iudaorum*.

*Judaismus*, was also anciently used for a Mortgage. — *Pro hac autem donatione dederunt mihi dicti Abbas & Canonici sex Marcas Sterl. ad acquietandam terram prædictam de Judaismo, in quo fuit impignorata per Rob. fratrem meum, &c. Ex magno Rot. Pipar, de Anno 9 Edw. 2.*

**Judgment** (*Judicium, quasi juris dictum*) The very voice of Law and Right, and therefore *Judicium semper pro veritate accipitur*: The ancient words of Judgment are very significant, *Consideratum est, &c.* because Judgment is ever given by the Court upon consideration had of the Record before them; and in every Judgment there ought to be three persons *Altor, Reus & Iudex*. Of Judgments, some are final and some not final, &c. See *Coke on Litt.* fol. 39. a.

**Judicium Dei.** The Judgment of God; so our Ancestors called those now prohibited Tryals of *Ordeal*, and its several kinds. *Si se super defendere non posset Judicio Dei, scil. Aquâ vel ferro, fieret de eo justitia.* LL. Divi Edw. Confess. cap. 16. See *Spelm. Gloss.* on this word.

**Judgment of Tryal by the Holy Cross** (long since disused) See *Cressy's Church-History*, fol. 960.

**Jugum terra.** In *Domesday*, contains half a *Pouland*.

**Juncia** (from *juncus*) A Soil where Rushes grow. *Coke on Litt.* fol. 5. — *Cum Piscariis, Turbariis, Juncariis, & communibus Pasturis, ad Messuagium prædictum pertinet.* Pat. 6 Edw. 3. pa. 1. m. 25.

**Jura Regalia.** See *Regalia*.

**Jurats** (*Jurati*, Anno 2 & 3 Edw. 6. cap. 30.) As the Major and Jurats of Maidstone, Rye, Winchelsea, Tenterdon, &c. are in the nature of Aldermen for Government of their several Corporations; and the name is taken from the French, where (among others) there are Major & Jurati *Suessenses*, &c. Vide *Chopin. Doman. Fran. lib. 3. Tit. 20. sect. 11. p. 530.* So Jersey hath a Bailiff, and Twelve Jurats, or sworn Assistants to govern the Island. *Cam. Rome. nox.* *Marsh* is incorporate of one Bailiff, xxiiii Jurats, and the Commonalty thereof, by Charter Dat. 23 Febr. 1 Edw. 4. See Mr. Dugdale Hist. of Imbanking and Draining, fol. 34. b.

**Jury** (*Jurata*, from *Jurare* to swear) Signifies Twenty four or twelve Men sworn to inquire of the matter of Fact, and declare the Truth upon such Evidence as shall be delivered them, touching the matter in question; of which Jury who may, and who may not be impanelled, see Fitz. Nat. Br. fol. 163. There are two manner of Tryals in England; one by Battel, the other by *Assise* or *Jury*. See *Smith de Repub. Angl. lib. 2. cap. 5, 6, 7.* who adds a

third, by *Parliament*. The Tryal by *Assise* (be the Action Civil or Criminal, Publick or Private, Personal or Real) is referred for the Fact to a Jury; and as they finde it, so passeth the Judgment; which by *Bracton* (lib. 2. cap. 7.) is called *Regale beneficium*, &c. This Jury is not only used in Circuits of Justices, but in other Courts, and Matters of Office; as if the Coroner enquire how a Subject, found dead, came to his end, he useth an *Enquest*; the Justices of Peace in their Quarter Sessions; the Sheriff in his County and Turn; the Bailiff of a Hundred; the Steward of a Court Leet, or Court Baron, if they enquire of any offence, or decide any Cause between party and party, do it by the same manner. So that where it is said, all things are tryable by *Battel* or *Assise*: *Assise* in this place, is taken for a Jury, or *Enquest*, empanelled upon any Cause in a Court where this kinde of Tryal is used. This Jury, though it pertain to most Courts of the Common Law, yet is it most notorious in the half-yearly Courts of the *Justices Itinerants*, or of the *Great Assises*, and in the Quarter Sessions, where it is usually called a Jury; and that in Civil Causes; whereas in other Courts it is oftener termed an *Enquest*, and in the Court Baron, a Jury of the *Homage*. In the General Assise, there are usually many Juries, because there are many Causes, both Civil and Criminal, commonly to be tried, whereof one is called the *Grand Jury*, or *Great Enquest*, and the rest *Petit Juries*, whereof it seems there should be one for every Hundred. *Lamb. Eiren. lib. 4. cap. 3. pag. 384.*

The *Grand Jury* consists ordinarily of Twenty four grave and substantial Gentlemen, or some of them of the better sort of Yeomen, chosen indifferently out of the whole County by the Sheriff, to consider of all Bills of Indictment preferred to the Court, which they do either approve, by writing upon them *Billa Vera*, or disallow, by writing *Ignoramus*; such as they approve, or *finde*, as they term it, if they touch life and death, are farther referred to another Jury to be considered of; because the Case is of such importance; but others of less moment in Trespass, or for misdemeanors, are, upon their allowance, without more ado, fined by the Bench, except the party Traverse the Indictment, or challenge it for insufficiency, or remove the Cause to a higher Court by *Certiorari*; in which two former Cases it is referred to another Jury, and in the later, transmitted to the higher Court. *Lamb. Eiren. lib. 4. cap. 7.* And presently upon the allowance of this Bill by the *Grand Enquest*, a Man is said to be *indicted*; such as they disallow, are delivered to the Bench, by whom they are forthwith cancelled.

The *Petit Jury* in Criminal Causes, consists of Twelve Men, at least, and being impanelled, do bring in their Verdict, either *guilty*, or *not guilty*; whereupon, the Prisoner, if he be found guilty, is said to be *Convict*, and accordingly afterward receives his Judgment, and

Condemnation, or otherwise is acquitted. Those that pass upon Civil Causes real, are to many, as can conveniently be had, of the same Hundred, where the Land or Tenement in question lies, or four, at the least: And they, upon due examination of the Matter, bring in their Verdict, either for the Demandant or Tenant. Of this, see *Fortescu*, cap. 25, 26, 27. According to which, Judgment passeth afterwards in the Court, where the Cause first began; and the reason hereof is, because these Justices of Assize are in this Case, for the ease of the Country; so only to take the Verdict of the Jury, by virtue of the Writ called *Nisi Prius*, and to return it to the Court, where the Cause is depending. See *Nisi Prius*, and *Enquest*.

**Juridical Days** (*Dies Juridici*) Days on which the Law is administered, days in Court. See *Dies*.

**Juris utrum**, Is a Writ, which lies for the Incumbent, whose Predecessor hath alienated his Lands or Tenements; the divers uses whereof, see in *Fitz. Nat. Br.* fol. 48.

**Jurisdiction** (*Jurisdiclio*) Is an Authority or Power, which a Man hath to do justice in Causes of Complaint made before him: Of which, there are two kinds; the one, which a Man hath by reason of his Fee, and by virtue thereof, does right in all Plaints concerning the Lands of his Fee; the other is a Jurisdiction given by the Prince to a Bailiff. Which Division I have in the *Customary of Normandy*, cap. 2. which is not unfit for the practise of our Commonwealth, for by him whom they call a Bailiff, we may understand all that have Commission from the Prince, to give Judgment in any Cause. See *Sir Edw. Cokes Proemium* to his 4 *Inst.*

**Jus Coronæ** (the Right of the Crown) Is part of the Law of England, and differs in many things from the General Law, concerning the Subject. *Vid. Coke on Litt.* fol. 15. b.

**Jus Curialitatis Angliæ**. See *Cursie of England*.

**Jus Patronatus**, Is the Right of presenting a Clerk to a Benefice. See the *New Book of Entries*, verbo, *Jure Patronatus in Quare impedit*, fol. 465. col. 2.

**Jures** (Fr. *Jouissance*, i. *Decursus*) Were contentions between Martial-men, and Persons of Honor, with Spears on Horse-back, by way of exercise. *Anno 24 Hen. 3. cap. 13. Editum Regis Edw. 1. prohibendo sub forisfactura omnium que forisfacta possint, quod non Torneant, Borecant, Adventuras Querant, Justus faciant seu ad arma presumant sine Licentia Regis.* *Pat. 29 Edw. 1. Essex 101.*

**Justice** (*Justiciarius*) Signifies him that is deputed by the King to administer justice, and do right by way of Judgment: The reason why he is called *Justice*, and not *Judex*, is; because, in ancient time, the Latin word for him was *Justicia*, and not *Justiciarius*, as appears by *Glanvil*, lib. 2. cap. 6. and *Hoveden*, fol. 413. a: Secondly, Because they have their Authority by deputation, as Delegates to the

King, and not *Jure Magistratus*; and therefore cannot depute others in their stead; the Justice of the Forest only excepted, who hath that liberty especially given him by the Statute 32 Hen. 8. cap. 35. For the Chancellor, Marshal, Admiral, and such like are not called *Justiciarii*, but *Judices*. Of these Justices we have divers sorts in England, the manner of their Creation with other Appurtenances read in *Fortescu*, cap. 51. These in *Mag. Char.* cap. 12. and other Statutes are called *Justices*.

**Chief Justice of the Kings Bench** (*Capitalis Justicia vel Justiciarius Bancus Regii*) Hath the Title of Lord, whilst he enjoys his Office, and is called *Capitalis Justiciarius*, because he is the chief of the rest. His Office is specially to hear, and determine all Pleas of the Crown, that is, such as concern offences, committed against the Crown, Dignity, and Peace of the King, as *Treasons*, *Felonies*, *Mayhem*, and such like, which you may see in *Bracton*, lib. 3. tract. 2. per totum. And in *Stanf. Pleas of the Crown*. He also, with his assistants, hears all Personal Actions, incident to his Jurisdiction. See *Sir Edw. Cokes 4 Inst.* fol. 74. who says, The Chief Justice of this Court was anciently created by Letters Patent, but now by Writ, in this form.

—*Rex, &c. I. K. militi salutem. Sciatis quod constituimus vos Justiciarium nostrum Capitalem, ad Placita coram nobis tenenda, durante bene placito nostro. Teste, &c.*

Of the ancient Dignity of this Chief Justice, thus. *Liber niger fiscalis*, cap. 4. In *Scaccario residet, imò & præsedit, primus in regno, Capitalis, scilicet, Justicia*. In the time of King John, and others of our ancient Kings, it often occurs in Charters of Privileges, *Quod non ponatur respondere, nisi coram nobis vel Capitali Justicia nostra*. The Oath of the Justices see in the Stat. 18 Edw. 3. stat. 4. And in *Origines Juridicales*, a Catalogue of all the Lord Chief Justices of England. See *Kings Bench*.

**Chief Justice of the Common Pleas**, Hath also the Title of Lord, whilst he enjoys his Office, and is called *Dominus Justiciarius Communium Placitorum*, who, with his Assistants, did originally, and do yet hear and determine all Causes at the Common Law, that is, all Civil Causes, as well personal as real, between common persons; wherefore it was called *The Court of Common Pleas*, in distinction from *The Pleas of the Crown*, or the Kings Pleas, which are special and appertaining to him only. This Court was appointed to be in a settled place, and not as other Courts, to follow or attend the Kings Court or Palace, as appears by the Stat. 9 Hen. 3. cap. 11. Of its Jurisdiction, see 4 *Inst.* fol. 99. The Justices Oath, see 18 Edw. 3. stat. 4.

**Justice of the Forest** (*Justiciarius Forestæ*) Is also a Lord by his Office, and hath the hearing and determining all offences within the Forest, committed against Venison or Vert; of these there

there are two, whereof the one hath Jurisdiction over all the Forests on this side Trent, the other over all beyond. The chiefest point of their Jurisdiction consists in the *Articles* of the Kings Charter, called *Charta de Foresta*, made 9 Hen. 3. See *Cam. Britan.* pag. 214. The Court, where this Justice sits, is called the *Justice Seat of the Forest*, held once every three years. See *Manwood*, par. 1. pag. 121. & 154. He is also called *Justice in Eyre of the Forest*. This is the only Justice that may appoint a Deputy by Stat. 32 Hen. 8. cap. 35.

**Justice of Assize** (*Justiciarius ad capiendas Assisas*) Are such as were wont by special Commission to be sent (as occasion was offered) into this or that County to take Assizes, for the ease of the people. And it seems the Justices of the Common Pleas had no power to take Assizes, until the Statute of 8 Rich. 2. cap. 2. for by that, they are enabled thereto, and to deliver Goals. And the Justices of the Kings Bench have by that Statute such power affirmed unto them, as they had One hundred years before. Of later years it is come to pass, that these Commissions, *Ad capiendas Assisas*, are executed in the Lent, and long Vacation, when the Justices and Lawyers are most at leisure to attend them. Hence the matters, accustomed to be heard by more general Commission of Justices in Eyre, are heard all at one time, with the Assizes, which was not so of old, as appears by *Bracton*, lib. 3. cap. 7. num. 2. Yet no Justice of either Bench, nor any other, may be Justice of Assize in his own Countrey. *Anno 8 Rich. 2. cap. 2. and 33 Hen. 8. cap. 24.* And these, who are in one word called Justices of Assize, and twice every year go the circuit by two and two through all England, have one Commission to take Assizes, another to deliver Goals, another of Oyer and Terminer, &c. See *Assize and Crump. Juris.* fol. 210. That Justices of Assize, and Justices in Eyre, did anciently differ, appears *Anno 27 Edw. 3. cap. 5.* And that Justices of Assize, and Justices of Goal Delivery, were divers, is evident by *Anno 4 Ed. 3. cap. 3.* The Oath taken by Justices of Assize, is all one with that taken by the Justices of the Kings Bench. *Old Abridgment of Statutes, titulo, Sacramentum Justiciariorum.*

**Justices of Oyer and Terminer** (*Justiciarii ad audiendum & terminandum*) were Justices, Deputed upon some special or extraordinary occasion, to hear and determine some particular Causes. *Fitz.* (in his *Nat. Br.*) saith, The Commission of Oyer and Terminer is directed to certain persons, upon any Insurrection, heinous Memeanor or Treasons committed. And, because the occasion of granting this Commission should be maturely weighed, it is provided by the Statute 2 Edw. 3. cap. 2. That no such Commission ought to be granted, but that they shall be dispatched before the Justices of the one Bench, or the other, or Justices Errants, except for horrible Trepasses, and that by special favor of the King. The Form of this Commission, see in *Fitz. Nat. Br.* fol. 110.

**Justices in Eyre** (*Justiciarii itinerantes, alias Errantes, alias Peritustrantes*) are so termed of the old French word *Eyre*, i. *iter*; as a *grand Eyre*, i. *magnus itineribus*, proverbially spoken. These, in ancient time, were sent with Commission into divers Counties, to hear such Causes specially, as were termed the Pleas of the Crown; and that for the ease of the Subject, who must else have been hurried to the Courts at Westminster, according to their several Jurisdications; if the Cause were too high for the County Court. These Justices (according to *Gwin*, in his Preface to his *Reading*) were anciently sent but once in seven years, with whom *Horn* (in his *Mirror of Justices*) seems to agree, *Lib. 2. cap. Quous point esto assors, &c.* And *Lib. 3. cap. De Justices in Eyre*, where he also declares what belonged to their Office; but that they were sent oftner, see *Orig. Juridicales*. They were instituted by Henry the Second. *Cam. Brit.* pag. 104. and were much like in some respect to the Justices of Assize at this day; although for Authority and manner of proceeding, far different. *Coke on Litt.* fol. 293. b.

**Justices of Goal Delivery** (*Justiciarii ad Goals deliberandas*) Are such as are sent with Commission, to hear and determine all Causes appertaining to those, who for any offence, are cast into the Goal; part of whose authority is to punish such, as let to Mainprise those Prisoners, who by Law are not bailable, *Fitz. Nat. Br.* fol. 151. These probably, in ancient time, were sent into the Counties upon this several occasion: But afterwards Justices of Assize had this in Commission also. *Anno 4 Edw. 3. cap. 3.* Their Oath is all one with other of the Kings Justices of either Bench.

**Justice of the Hundred** (*Justiciarius Hundredi*) Erat ipse Hundredi Dominus, qui & Centurio & Centenarius Hundredique Aldermanus appellatus est. Præerat omnibus Hundredi Eribergis, cognovitque de causis majusculis, que in eisdem finiri non poterunt. *Spelm.*

**Justicements** (from *Iustitia*) All things belonging to Justice. *Coke on Westm.* 1. fol. 225.

**Justices of Labozers**, Were Justices appointed, in former times, to redress the forwardness of Laboring men, who would either be idle or have unreasonable wages. *Anno 21 Edw. 3. cap. 1. — 25 Ejsdem, cap. 8. And 31 Ejsdem, cap. 6.*

**Justices of Nisi Prius**, Are now all one with Justices of Assize: For it is a common Adjournment of a Cause in the Common Pleas, to put it off to such a day, *Nisi prius Justiciarii venerint ad eas partes ad capiendas Assisas*. Upon which Clause of Adjournment, they are called Justices of Nisi Prius, as well as Justices of Assize, by reason of the Writ or Action they have to deal in. Their Commission you may see in *Crump. Juris.* fol. 204. Yet he makes this difference between them; because Justices of Assize have power to give Judgment in a Cause, and Justices of Nisi Prius only to take the Verdict.

Verdict. But in the nature of both their Functions, this seems to be the greatest difference, that *Iustices of Nisi Prius* have Jurisdiction in Causes Personal, as well as Real; whereas *Iustices of Assize*, in strict acception, deal only in the Possessory Writs, called *Assises*. *Cowel*.

**Iustices of Trail-baston**, Were Justices appointed by King Edward the First, Anno 1305. upon occasion of great disorders in the Realm, during his absence in the Scottish and French Wars: They were so called, according to *Holinshead*, of trailing or drawing the Staff of Justice, or for their summary proceeding, according to *Coke*, 12 Rep. fol. 25. where it is said they were in a manner *Iustices* in Eyre, and their Authority founded on the Statute of Ragman. What their Office was, take from a coetaneous Author. — *Circa hac tempora processit in publicum nova inquisitionis breve, quod anglie dicitur Trail-banon, contra Invasores, Conductitios bominum vapulatores, conductitios seisme captiores, pacis invasores, raptiores, incendiarios, marduratores, pugnatores. Multi hoc perempti, multi redempti, multi nuxii, pauci innoxii sunt inventi. Adeo quidem rigide processit hujus cventionis iustitia, quod pater proprio filio non parceret, &c. dira multa.* Hist. Rossens, fol. 200. de Anno 1305. By means of which Inquisitions, many were punished by Death, many by Ranfom, many fled the Realm, which was thereby quieted, and the King gained great riches towards the support of his Wars. See *Math. Westm.* in Anno 1305. We finde also a Commission of Trail-baston coram Rogero de Grey & Sociis suis *Iustic.* apud St. Albanum. Anno Regni Regis Edw. tertii post Conquestum 5. See *Spelm. Gloss.* verbo, Trail-baston.

**Iustices of the Pavilion** (*Iusticiarii Pavilonii*) Are certain Judges of a Pyepowder Court, of a most transcendent Jurisdiction, anciently authorized by the Bishop of Winchester at a Fair held on S. Giles Hill near that City, by virtue of Letters Patent granted by Edward the Fourth. — *Episcopus Wynton & successores suos, a tempore quo, &c. Iusticiarios suos, qui vocantur Iusticiarii Pavilonis, cognitiones placitorum & aliorum negotiorum eadem Feria Præstant, nec non claves portarum & custodiam prædictæ Civitatis nostræ Wynton. pro certo tempore Feriarum illius, & nonnullas alias libertates, immunitates & consuetudines habuisse, &c.* See the Patent at large in *Prynnes Animad.* on 4 Inst. fol. 191.

**Iustices of the Peace** (*Iusticiarii ad pacem*) Are those, who are appointed by the Kings Commission to attend the Peace of the County where they dwell; of whom some, for special respect, are made of the *Quorum*, because some business of importance may not be dispatched without the presence or assent of them, or one of them. See *Quorum*. The Office and Power of these, is various and grounded upon several Statutes, too long to recite. They were called *Guardians of the Peace*, till the Thirty-sixth year of Edward the Third,

cap. 12. where they are called *Iustices*. *Lamb. Eiren. lib. 4. cap. 19. pag. 578.* See *Shepherds Sure Guide for J. of Peace*.

**Iustices of Peace**, Within Liberties (*Iusticiarii ad pacem infra Libertates*) Are such in Cities, and other Corporate Towns, as those others of the Counties; and their Authority or power is all one within their several Precincts. Anno 27 Hen. 8. cap. 25.

**Iusticiar** (Fr. *Iusticier*) A Justice or Justicer. The Lord *Bermingham*, *Iusticiar* of Ireland. *Baker*, fol. 118.

**Iusticies**, Is a Writ, directed to the Sheriff, for the dispatch of Justice, in some special Cases in his County Court, of which, by his ordinary power he cannot hold Plea there. *Fitz. Nat. Br.* fol. 117. *Kitchin*, fol. 74. says, That by this Writ the Sheriff may hold Plea of a great sum, whereas of his ordinary authority he cannot hold Pleas, but of sums under Forty shillings, with whom *Crompton* agrees, fol. 231. It is called a *Iusticies*, because it is a Commission to the Sheriff *Ad iusticiandum aliquem*, to do a Man justice or right, and requires no Return or Certificate of what he hath done. *Bracton*, lib. 4. tract. 6. cap. 13. num. 2. makes mention of a *Iusticies* to the Sheriff of London, in a case of Dower. See the *New Book of Entries*, verbo, *Iusticies*.

**Iustification** (*Iustificatio*) Is a maintaining or shewing a good reason in Court, why one did such a thing, which he is called to answer. As to justify in a cause of Replevin. *Broke*, tit. Replevin.

**Iustificatores** (*Iustificatores*) *Will. Rex Angliæ H. Camerario & Iustificatores suis, omnibus suis fidelibus Norf. salutem. Inquire per Comitatum quia iusticiarius huiusmodi forisfacturam haberet tempore Patris mei, sive Abbas Ramfisa sive antecessor W. de Albemio. Et si Comitatus concordaverit quod Abbas relictus prædictam forisfacturam debet habere, tunc præcipio ut C. solidi quos Radul. Passel. implacitavit, sine mora Abbati reddantur. T. Episcopo Dunelmensi. Sir Henry Spelman leaves it thus without explanation. Iustificatores seem to signifie Compurgators, or those that by Oath justify the Innocency, Report or Oath of another, as in the case of *Waging Law*; also jury-men; because they justify that party, on whose behalf they give their Verdict.*

## K.

**Kalendar Moneth** (Mentioned in the Stat. 16 Car. 2. cap. 7.) Consists of Thirty or thirty one days, according to the *Kalendar*. A *Twelve-moneth* in the singular number; includes all the year; but *Twelve-moneths* shall be computed according to Twenty eight days to every Moneth. See *Coke*, lib. 6. fol. 61. b. *Caterbys Case*, and see *Computation*.

**Kantref**,

**Kantref**, (Brit.) In Wales it signifies a Hundred Villages. — *Le premier Conquerneur des trois Kantrefes de la tere de Breckenoch, estoit Bernard de Nefmarche, Norman.* Mon. Angl. 1. pa. fol. 219. b. See *Canred*.

**Karle** (Sax.) A Man; and sometimes a Servant or a Clown. Hence the Saxons called a Seaman, a *Bulcarle*, and a Domestick Servant, *Bulcarle*. This word is often found in *Domesday*, *Seldens Mare Clausum*, and other ancient Records; from hence, by corruption, comes our modern word *Churle*.

**Karrata fant** (*Mon. Angl.* 1. pa. fol. 548. b.) A Cart load of Hay. See *Caveffa*.

**Kay** (*Kia & Caya*, Sax. *cæz*) Area in littore onerandorum atque exonerandorum navium causa, e compatis tabulis trabibusque (clavium instar) firmata. A Wharf to Land, or Ship Goods or Wares at. The Verb *Caiare* in old Writers, signifies (according to *Scaliger*) to keep in, or restrain; and so is the Earth or Ground where *Kays* are made, with Planks and Posts.

**Kapage** (*Kaiagium*) Portorium quod Kaiz nomine, exigit Telonarius. The Money or Toll paid for Loading or Unloading Wares at a *Kay* or Wharf. *Rot. Pat.* 1 Edw. 3. m. 10. and 20 Edw. 3. m. 1.

**Kedel** (Anno 12 Edw. 4. cap. 7.) See *Kidell*.

**Keeper of the Great Seal** (*Custos magni Sigilli*) Is a Lord by his Office, styled Lord Keeper of the Great Seal of England, and is of the Kings Privy Council, through whose hands pass all Charters, Commissions, and Grants of the King, under the Great Seal. Without which Seal, many of those Grants and Commissions, as to divers particulars, are of no force in Law; the Kings Great Seal being as the Publick Faith of the Kingdom, in the high esteem and reputation, justly belonging and attributed thereunto. This Lord Keeper by the Statute 5 Eliz. cap. 18. hath the same Place, Authority, Preheminence, Jurisdiction, Execution of Laws; and all other Commodities and Advantages as the Lord Chancellor of England hath. Both these great Officers cannot properly be at the same time, since the said Statute, but before they might. Yet Sir Francis Bacon was made Lord Keeper, 7 Martii, 1616. The Lord Chancellor Egerton then living, but died the next day. He is made Lord Keeper of the Great Seal, Per Traditionem Magni Sigilli sibi per Dominum Regem, and by taking his Oath. 4 Inst. fol. 87.

**Keepers of the Liberties of England**, by Authority of Parliament. See *Custodes Libertatis*.

**Keeper of the Privy Seal** (*Custos privati Sigilli*) Is a Lord by his Office, through whose hands pass all Charters signed by the King, before they come to the Great Seal, and some things which do not pass the Great Seal at all. He is also of the Kings Privy Council, and was anciently called *Clerk of the Privy Seal*. Anno 12 Rich. 2. cap. 11. *Gardien del Privy*

*Seal.* In Rot. Parl. 11 Hen. 4. num. 28. And Lord Privy Seal. Anno 34 Hen. 8. cap. 4.

**Keeper of the Touch** (Anno 12 Hen. 6. cap. 14.) Seems to be that Officer in the Kings Mint, which at this day is called *Master of the Assay*. See *Mint*.

**Keeper of the Forest**, (*Custos Forestæ*) Is also called *Chief Warden of the Forest*, and hath the principal Government of all things, and the check of all Officers, thereto belonging: And the Lord Chief Justice in Eyre of the Forest, when it pleaseth him to keep his Justice Seat, tends out his general Summons to him forty days before, to warn all under Officers to appear before him, at a day assigned in the Summons. *Mantw.* par. 1. p. 156. Sc.

**Kennets**, A sort of couric Welsh Cloth, mentioned Anno 23 Hen. 8. cap. 3.

**Kernes**, Idle persons, Vagabonds. — *Nec non de illis qui dicuntur homines ociosi, & malefactoribus, qui etiam Kernes dicuntur.* Ord. Hibern. 31 Edw. 3. m. 11, 12.

**Kernellatus**. — *Et Dux (sc. Lanc.) dicit, quod ipse clamavit pro se & heredibus suis habere Castrum suum de Halton, Kernellatum. Pl. de quo Warr. apud Cefriam, 31 Edw. 3. Fortified or Embattelled.*

**Keples or Keles** (*Cyuli or Ciules*) A kinde of Long Boats of great Antiquity, mentioned Anno 23 Hen. 8. cap. 18. *Longæ Naves quibus Britanniam primò ingressi sunt Saxones.* Spel.

**Kidder** (Anno 5 Eliz. cap. 12.) — *Cherper person being a Common Badger, Kidder, Lader, or Carrier.* — Says the Statute; whereby it seems to signifie one, that Badges or carries Corn, Dead Victual, or other Merchandise up and down to sell; called also *Kydiers*. Anno 13 Eliz. cap. 25.

**Kiddle, Kidel, or Kedel** (*Kidellus*) A Dam, or open Wear in a River, with a loop or narrow cut in it, accommodated for the laying of Weels, or other Engins to catch Fish. 2 Part. of *Cokes Instit.* *Angustias, machinas sive ingenia in fluminibus posita ad Salmones, aliosque pisces intercipientes.* Some Fishermen corruptly call them *Kettles*. The word is ancient, for in *Magna Charta*, cap. 24. we read thus — *Omnes Kidelli deponantur de cetero penitus per Thamesiam & Medeweyam & per totam Angliam, nisi per costeram Maris.* And in a Charter made by King John, power was granted to the City of London, *De Kidellis amovendis per Thamesiam & Medeweyam.* Anno 1 Hen. 4. cap. 12. It was accorded (*inter alia*) That a Survey should be made of the Weirs, Mills, Stakes, and *Kidels* in the great Rivers of England. *Inq. cap.* apud *Derb.* 15 Nov. 1 Eliz. post mortem Tho. Fyndern, &c. — *Et fuit seiscitus de uno Kidello vocat. a Kettere, ac de libera piscaria in Potlok. Efc. Bundello.* 3.

**Kilbeth**, Was an ancient servile kind of payment; For, in an old Manuscript I find *Kilbeth pro qualibet busbanda 2 denar.*

**King of Heraldry**, (*Rex Heraldorum*) Is a chief Officer at Armes that hath the preheminence of the Society; Among the Romans he was called *Pater patratus*. See *Herald*.

**King**



**King of the Spinnrels**, at *Tusbury* in *Com. Staff.* his power and privilege appears in the following Charter.

*Johan par le grace de Dieu, Roy de Castile & de Leon Duke de Lancastre a tous ceuz, que cestor nos lettres verront ou orront salut. Saches nous avoir ordonnez constitut & assignez nostre bien ame le Roy des Ministraux deins nostre Honneur de Tuttebury quore est; bu qui pur le temps serva, pur prendre & arrester tous les Ministraux deins meisme nostre Honneur & Franchise, queux refusent de faire leur services & Ministrallie aus euz appartenans, a faire de ancient temps a Tuttebury susdist annuellement les jours del Assumption de nostre dame. Donans & grantans au dit Roy des Ministraux pur le temps estant plein poier & mandement de les fair resonablement justifier & confondre de fair leur services & Ministrallies en maner come appoint, & come ilonques ad este use & de ancient temps accusiome. En testi-moigniance de quel chose nous avons fait faire ces-tes nos lettres patentes, don souz nostre prive Seal a nostre Castel de Tuttebury le xxii jour de Aug-ust le an de regne nostre tresdualces le Roy Ri-chard Second, quart. Confirmed by Hen. 6. 22. Febr. 21 Regni.*

*Item est ibidem quadam Consuetudo quod Histriones, venientes ad matutinas in festo As-sumptionis Beata Maria, habebunt unum Tau-rum de Priore de Tuttebury, si ipsum capere pos-sunt citra aquam donec propinquaverint Tuttebury, vel Prior dabit eis xl d. pro qua quidem Consuetu-dine dabuntur Domino ad dictum Festum annua-tim xx d. Mon. Angl. 1 Par. fo. 355. b. See Minstrels.*

**Kings-Bench**, (*Bancus Regius*, from the Sax. Banca, a Bench or Form) Is the Court or Judgment Seat, where the King of England was sometimes wont to sit in his own person, and was therefore moveable with the Court or Kings household, and called *Curia Domini Regis*, or *Aula Regis*; wherein, and in the Exchequer (which were the only Courts of the King till *Henry the Thirds* dayes) were handled all mat-ters of Justice, as well civil as criminal. This Court was wont, in ancient times, to be espec-ially exercised in all criminal matters and Pleas of the Crown, leaving private Contracts and Civil actions to the *Common-Pleas* and other Courts. *Glanvil*, lib. 1. ca. 2, 3, &c. *Smith de Repub. Angl.* lib. 2. ca. 11. See *Cokes 4 Inst.* fo. 70.

**Kings silver**, Is that Money which is due to the King in the Court of Common-pleas, *pro licentia concordandi*, in respect of a Licence there granted to any man for levying a Fine, *Coke Vol. 6. fol 39. a & 43. b.*

**Kings Swanheard**, (*Magister deducus Cignorum*,) *Pat. 16 R. 2. pars 1. m. 28. Radulphum Scoti, Custodem Cignorum nostrorum, sive per alium quemcumque qui pro tempore Custos cignorum nostrorum pradietorum fuerit. No Fowl can be a stray but a Swan. 4 Inst. fo. 280.*

**Kintal**, (*Span. Quintal*,) Is a kind of weight, most commonly of one hundred pounds, or something under or over, according to the divers uses of sundry Nations; *Plowden, fol. 3. in the Cafe of Renynger and Fogassa*, mentions 2000 Kintals of Woad.

**Kirkbys-Quest**, Is an ancient Record re-maining with the Remembrancer of the Exche-quer, the meaning and etymology whereof will appear by what follows. *Ms. quod Anno Dom. 1277, Anno Regni Regis Edwardi filii Ro-gis Henrici quinto, misit idem Rex per totam An-gliam Ballivos inquirere sub juramento & in se-creto de universis terris Angliæ per Johannem de Kirkby thesaurarium suum, quisquis teneret & cujus feodi, & quantum, & cujus Regis tempore feoffati essent. Ex Registro Glaston. Canobii penes Rad. Sheldon Ar. fo. 71. b.*

**Knabe**, (*Sax. Cnawa*,) Is used for a Man-servant, *Anno 14 Edw. 3. Stat. 1. ca. 3.* It did anciently signifie a Child; also a Minis-ter or Servant. *Matth. 8. 6. Puer meus jacet in domo paralyticus*, was, in the Saxon Translati-on, turned *myknawa*.—Hence *scylb kna-pa*, pro, *Armigero, quasi scuti famulus seu mi-nister*; he that bore the Weapon or Shield of his Superior. It was sometimes of old used as a titular addition.—*Johannes filius Willielmi Couper de Denby Knabe, ad satisfaciendum Re-gi de omni eo quod ad Regem pertinet, occasione cujusdam Vilagaria in ipsum in placito transgres-sionis ad festum Regis promulgata. Original. de anno 22 Hen. 7. 36 Derby.*

**Knight**, (*Sax. CnyC. Miles, Chivalier*, or *Eques auratus*, from his gilt Spurs usually worn, and thence called anciently *Knights of the Spur*. Signifies one that bears Arms, who, for his ver-tue, and Marshal prowess, is by the King, or one having his Authority, exalted above the rank of Gentlemen to a higher account or step of dignity. The manner of making them *Cm.* in his *Britan.* thus shortly expresseth. *Nostris vero temporibus, qui Equestrem dignitatem susci-pit, flexu genibus leviter in humero percussitur, Princeps huius verbi Gallice affatur; Suis vel suis Chevalier au nom de Dieu. i. Surge aut sis Eques in nomine Dei.* This is meant of *Knights-Bachelors*, which is the lowest but most ancient degree of Knighthood with us. By the Stat. 1 *Edw. 2. ca. 1.* All Gentlemen having a full Knights Fee, and holding their Land by Knights Service, might be compelled by distress to pro-cure himself to be made *Knight*, when he came to Mans Estate. But, by the Statute 17 *Car. 1. ca. 20.* it is ordained, that no man shall be com-pelled to take the Order of Knighthood, &c. The privilege belonging to a *Knight* fee in *Ferns Glory of Generosity*, p. 116. Of *Knights* there are two sorts, one *Spiritual*, so called by Divine, in regard of their *Spiritual Warfare*; the other *Temporal*, *Cassanau de gloria mundi, Part 9. Considerat. 2.* See *Seldens Titles of Hon-our*, fo. 770.

**Knights of the Garter**, (*Equites Garterii*, or *Periscididis*,) Are an Order of *Knights*, cre-ated by *Edward the Third*, after he had obtain-

ed many notable Victories, who, for furnishing this honorable Order, made choice in his own Realm, and all Christendom, of 25 the most excellent and renowned persons for virtue and honour; Himself and His Successors, Kings of England, were ordained to be the *Sovereigns*, and the rest Fellows and Brethren of this Order. *Smith de Repub. Angl. lib. 1. ca. 20.* The Officers be-longing to it, are, The *Prelate of the Garter*, (which is always the Bishop of Winchester;) The *Chancellor of the Garter*; the *Register*, who is always *Dean of Windsor*; The *Principal King at Armes* called *Garter*, whose chief functi-on is to manage their Solemnities at their Feasts and Installations; Lastly, the *Usher of the Gar-ter*, being the Usher of the *Black Rod*. This most honourable Society is a College or Cor-poration, having a great Seal belonging to it. See *Garter*.

**Knights Baneret**. See *Baneret*. *John Coupe-land*, (for his valiant service against the Scots) had the honour of Baneret conferred on him and his Heirs for ever, by Patent, 23 *Edw. 3. part 1. m. 2.*

**Knights of the Bath**, See the Antiquity and Ceremony of their Creation in *Mr. Dug-dales Description of Worcestershire*, fo. 531, 532. They are so called from their *Bathing* the night before their Creation; Their place is before *Knights Bachelors*, and after *Baronets*.

**Knights of St. John of Hierusalem**, (*Milites Sancti Johannis Hierosolymitani*,) Had be-ginning about the year 1119, and denominati-on from *John* the charitable Patriarch of *Alexandria*, though vowed to *St. John Bap-tist* their Patron. They had their primary founda-tion and chief aboad first in *Hierusalem*, and then in the Isle of *Rhodes*, until they were ex-pelled thence by the *Turk*, *Anno 1523*. Since which time their chief Seat is in the Isle of *Mal-ta*, where they have done great Exploits against the Infidels, especially in the year 1595, and are now called *Knights of Malta*. They had one general Prior, who had the Government of the whole Order within England and Scotland. *Reg. of Writs*, fol. 20. b. and was the first Prior of England, and sat in the Lords House of Parliament. Of these *Knights* mention is made in the Stat. 25 *Hen. 8. ca. 2.* & 26 *eiusdem*, ca. 2. *Bur. Anno 32 Hen. 8. ca. 24.* They in Eng-land and Ireland, being found overmuch to ad-here to the Pope against the King, were sup-pressed, and their Lands and Goods referred by Parliament to the Kings disposition. See *Hospitalers*.

**Knights of Malta**. See *Knights of St. John*.

**Knights of Rhodes**. (*Anno 32 Hen. 8. ca. 24.*) See *Knights of St. John*.

**Knights of the Temple**. See *Tem-plars*.

**Knights of the Chamber**, (*Milites Came-rae*,) mention'd in 2 *Inst.* fo. 666. and in *Rot. Pat. 29 Ed. 3. par. 1. m. 29*; seem to be such *Knights Bachelors*, as are made in time of Peace,

because *Knighted* commonly in the Kings Cham-ber, not in the Field, as in time of War.

**Knights of the Shire**, (*Milites Comitatus*) otherwise called *Knights of Parliament*, are two *Knights*, or Gentlemen of worth, chosen upon the Kings Writ, in pleno Comitatu, by the Free-holders of every County that can dispend 40 s. per ann. *Anno 1 Hen. 3. ca. 1.* and 10 *Hen. 6. ca. 2.* who are in Parliament to consult in be-half of the Commons of England, touching the Publick Affairs of the Realm. Thence, when every man that had a Knights Fee, was custo-marily constrained to be a Knight, were of ne-cessity to be *militis gladio cincti*, for so runs the Writ at this day. But now Custom admits *Esquires* to be chosen to this Office.—*Quod milites Comitatus pro Parlamento extunc eli-gend. sint milites notabiles de eisdem Com. pro quibus sic eligentur, seu aliter notabiles Armige-ri, homines generosi de nativitate de eisdem Com. qui sint habiles existere milites, & quod nullus ho-mo sit talis miles, qui in gradu valetti & inferiori existit, prout in Statuto continetur, viz. 23 H. 6. In breve de Sum. ad Parl. Claus. 39 Hen. 6. in dorso. m. 41. For the choice of these *Knights* see the Statutes 7 *Hen. 4. ca. 15.* 23 *Hen. 6. ca. 15.* with others. Their expences are to be born by the County, 35 *Hen. 8. ca. 11.* though now a dayes that is, for the most part, not re-quired.*

**Knight Marshal**, (*Marescallus Hospitii Re-gis*,) Is an Officer of the Kings House, having jurisdiction and cognizance of any transgressi-on within the Kings House, and verge of it; as also of contracts made within the same house, whereto one of the House is a party. *Reg. of Writs*, fo. 185. a. and 191 b. and *Spelmans Glossar. in voce Marescallus*.

**Knight-terrice**, (*Servitium militare*) Was a tenure, whereby several Lands in this Nation were held of the King, which drew after it Ho-mage and Service in Warr, Escuage, Ward, Marriage, &c. but is taken away by Stat. 12 *Car. 2. ca. 24.* In *Domesday* book some Land holden by *Knights* service is called *Lainland*, and land holden by *Soccage*, *Rebeland*, fo. 86. a.

**Knights fee**, (*Feodum militare*) Is so much inheritance, as is sufficient yearly to maintain a Knight with convenient Revenue; which in *Hen-ry the Thirds* dayes was 15 l. *Cam. Brittan. pa. 111.* But, *Sir Thomas Smith*, in his *Repub. Angl. lib. 1. ca. 18.* rates it at 40 l. And, by the Stat. for *Knights*, 1 *Ed. 2. ca. 1.* such as had 20 l. per Ann. in Fee or for life, might be compelled to be *Knights*; which Stat. is Re-pealed by 17 *Car. 1. ca. 20.* *Stow*, in his *An-nals*, pa. 285, says, There were found in Eng-land at the time of the Conquerour 60211 *Knights Fees*, according to others 60215; whereof the Religious Houses, before their Suppression, were possessed of 28015. Unde octo Carucata terræ faciunt feodum unius militis. *Mon. Angl. 2 p. fo. 825. a.* Of this you may read more in *Seldens Titles of Honor*, fo. 691. and *Bracton*, lib. 5. *Tracl. 1. ca. 2.* See *Coke on Litt. fo. 69. a.* A *Knights Fee* contained 12 Plow-

Plow-lands. 2 Part Inst. fo. 596. or 630 Acres.

**Antighen-geld**, Was a Gylt in London consisting of 19 Knights, which King Edgar founded, giving them a portion of void ground lying without the Walls of the City, now called *Portoken-ward*. *Stowes Annals*, p. 151. This, in *Mon. Angl.* 2. p. fo. 82. a. is written **Antitene-geld**.

**Apodiers**, (Anno 13 Eliz. ca. 25.) See *Ridder*.

**Aplo** — *Et sint quieti de pastu & Aplo*, & omnibus aliis exactionibus, quas Forejarii & alii Balivi solent exigere. *Mon. Angl.* 1. Par. fo. 722. b. Perhaps it might signifie some kind of Portage; for **Aplo**, in the North, is still used for Portage.

## L.

**Labozarius**, Is a Writ that lies against such, as having not whereof to live, do refuse to serve: or against him that refuseth to serve in Summer, where he served in Winter. *Reg. of Writs*, fo. 189. b.

**Laches**, (Fr. *Lache*, i. *Frigidus*, *Ignarus*.) Signifies slackness, or negligence. As no *Laches* shall be adjudged in the Heir within age. *Litt.* fo. 126. and *Old Nat. Br.* fo. 110. Where a Man ought to make, or do a thing, and he makes or does it not; 1, of his *Laches* cannot have an Assise, but must take an Action on the Case. See *Coke on Litt.* fo. 246. and 380. b.

**Lafordswick**, (Sax. *HLaford*, *Dominus & ppic*, *Proditio*.) *Infidelitas erga Dominum*, A betraying ones Lord or Master. In the *Laws of Hen. 1.* ca. 13. *Quadam Placita emendari* (i. *Quadam crimina expiari*) non possunt; **Hufbrech**, **Bernet**, **Owenthefe**, **Cberemorth**, & **Lafordswick**. Which word is also found in *Canutus Laws*, ca. 51. and in some Authors corruptly written *Labordfith*.

**Laga**, (Sax. *LaG*.) Law. *Lagam Regis Edwardi vobis reddo*, cum illis emendationibus, quibus Pater meus cum emendavi, says *Magna Charta*. Hence *Seaxenlage*, *Mercenlage*, *Dancelage*, &c.

**Lageman**, or **Lahman**, (*Lagamannus*) *Homo legalis seu legitimus*; Such as we call now *Good men of the Jury*. I find the word in *Domesday*, and in the *Laws of Edward the Confessor*, ca. 38. thus — *Postea inquisisset Justitiam per Lagamannos, & per meliores homines de Burgo*, &c.

**Lagen**, (*Lagena*.) *Fleta*, lib. 2. ca. 399. In ancient time it was a Measure of six *Sextarii*. Hence perhaps our *Flagen*. *Donatio insuper sex Lagenis olei annuatim*. *Carta* 2 Ed. 3. m. 25. n. 82. See *Minstrel*.

**Lagon**, (From the Sax. *LeGan*, & *Ligzan*, i. *Jacere*.) Is that which lies in the bottom of the Sea. See *Floston*.

**Lahbit**, **Lagbite**, **Lagbuite**, (Sax. *LaG*, *Lex*, & *plite*, *Ruptio*.) The breaking or transgressing the Law; and sometimes the punish-

ment for breaking a Law. — *Si quis Dei rellitidines per vim teneat, solvat Lahbite cum dactis, plenam Wyram cum Anglis*. *Leg. Hen. 1.* ca. 13.

**Lairtoite**, **Lechertoite**, & **Legergeldum**, (A Sax. *LaGan*, seu *LaGan*, *Concumbere* & *plite*, *Multa*.) A Fine, or Custom of Punishing Offenders in Adultery and Fornication; which privilege did anciently belong to the Lords of some Mannors, in reference to their Villains and Tenants: which *Fleta* (lib. 1. ca. 47.) seems to infer. See 4 Inst. fo. 206.

**Lammes-day**, (Anno 23 Hen. 8. ca. 4.) Is the first of August, and so called quasi *Lamb-Mass*: on which day the Tenants that held Lands of the Cathedral-Church of York, (which is dedicated to St. Peter ad Vincula,) Were bound by their Tenure to bring a live Lamb into the Church at High-Mass on that day. See *Gule of August*.

**Landa**, A Laren, or open Field, without wood. *Robertus Comes Legrecstria Radulpho Pincerna & omnibus Baronibus & fidelibus suis salutem*. *Sciatis me dedisse servo dei Malgero Monacho in Eleemosina parvam Landam que est inter Lumbrodam & Copticeliam ad Mansiones & oratorium ibidem faciend. Testibus*. &c. *Sine dat.*

**Landhoc**, (a Sax. *Land*, i. *Terra* & *boc*, *Libet*.) A Charter or Deed, whereby Lands or Tenements are held or given. — *Ut prafata Abbatisa pronomiatam terram, scil. centum Manentium cum libris, quos Angli dicunt Landhoc* — in perpetuum hereditatem traderet. *Concil. Synodale apud Clovesho*, Anno Dom. 822. *Sic Anglo-Saxones Chartas & Instrumenta nuncuparunt, pradiorum cessiones, jura & firmitates continentia*. *Spel*.

**Landegandman**, Was one of the inferior Tenants of a Mannor. *Customariorum genus seu inferiorum tenentium Manerii*, says the learned *Spelman*, who adds — *Occurrit vox in Cuftomar. de Heckam*.

**Landcheap**, (Sax. *Land-ceap*, from *Ceap*, to buy and sell.) A certain ancient customary Fine, paid either in Money or Cattel, at every alienation of land lying within some Mannor, or within the liberty of some Borough: As at *Maldon in Essex*, there is yet a Custom claim'd by the same name, viz. that for certain Houses and Lands sold within that Borough, xlii d. in every Mark of the Purchase-Money shall be paid to the Town: which Custom of *Landcheap* is claimed by a Grant (*inter al.*) made to that Town by the Bishop of London, Anno 5 Hen. 4. The word is also found in *Spel. de Concl.* Vol. 1. fo. 502. *Sommer* in his *Sax. Dict.* says, *Landcheap*, for *tasse precium fundi paflo datum vel debitum*.

**Landgable**, (Sax. *Land-gapel*.) *Terra census vel redditus*, A Tax, or Rent issuing out of Land. *Domesday*, *Census pradialis vel tributum quod a pradiis colligitur*. — *Id est pro unoquoque domo unum denarium*. *Spel*.

**Landimera**, (*Agrimentores*.) Measurers of Land, anciently so called. *Landimera autem est*

*est terra limes vel meta*. From the Sax. *Gemæpe*. i. *terminus*.

**Landman** (Sax. *Landerman*, *Terricola*) The Terre-tenant.

**Land-tenant**, Is he that actually possesses the Land, or hath it in his Manual occupation. *Anno 14 Edw. 3. stat. 1. cap. 3.* See *Terre-tenant*.

**Langemann**. — *Item in ipsa Civitate erant 12 Langemanni*, i. *Habentes Socam & Sacam*. *Domesday*, tit. *Lincolnsire*.

**Lanis de crescentia Wallie traducendis absque Custuma**, &c. Is a Writ that lies to the Customer of a Port, to permit one to pass over Wool, without paying Custom, because he hath paid it in Wales before. *Reg. of Writs*, fol. 279.

**Lapse** (*Lapsus*) Is a slip or omission of a Patron, to present a Clerk to a Benefice within six Months, after it becomes void; in which case, we say the Benefice is in *lapse* or *lapsed*. *Anno 13 Eliz. cap. 12.* And this *lapse* is incurred, as well where the Patron is ignorant of the Avoidance, as privy; except onely upon the Resignation of the former Incumbent, or Deprivation upon any Cause comprehended in the same Statute: In which Cases the Bishop ought to give notice to the Patron.

**Larceny** (Fr. *Larcin*, Lat. *Latrocinium*) Is a Theft of Personal Goods or Chattels in the owners absence; and in respect of the thing stolen, it is either great or small. *Great Larceny* is when the things stolen, though severally, exceed the value of xii d. *Petit Larceny*, is when the Goods stolen exceed not the value of xii d. Of this see more in *Stamf. Pl. Cor. lib. 1. cap. 15, 16, 17.* *Inter minuta autem furta* (says *Spelman*) *que forenses vocant Petie Larceny*, olim habebantur equi & bovis subtrahit, ut perspicuum est ex *Assis* Hen. 2. *Clarendonia editis*, ubi sic legitur. *Hac Assisa attenebit — in murdo & proditione & iniqua combustione & in omnibus pradiis, nisi in minutis furis & roberiis, que facta fuerunt tempore guerra, sicut de equis & bobus & minoribus rebus*.

**Larding-momp**. In the Mannor of *Bradford in Com. Wilts*, the Tenants pay to the Marquess of Winchester, their Land-Lord, a small yearly Rent by this Name: Which, I conceive to be for liberty to feed their Hogs, with the Mast of the Lords Woods; the Fat of a Hog being called *Lard*.

**Larons** (Fr.) Theeves. In the Statute for View of Frank-pledge, made 18 Edw. 2. The Fourteenth Article to be given in charge at Leets is. *Of Petry Larons, as of Cate, Hens, or Sheafs of Cown*.

**Lashite**. *Si quis decimam contra teneat, reddat Lashite cum dactis*, *Witam cum Anglis*. It denoted the Danish common forfeiture, which was Twelve Ores, every Ore valuing about xvi d. sterling. *Seldens Hist. of Tyber*, pag. 203.

**Last** (Sax.) *Left* (Fr.) Signifies a burden in general, and particularly a certain weight

or measure. As a *Last* of Pitch, Tar, or Ashes, contains Fourteen Barrels. 32 Hen. 8. cap. 14. A *Last* of Hides, or Skins, Twelve dozen. 1 *lae. cap. 33.* A *Last* of Cod-fish, Twelve Barrels, 15 Car. 2. cap. 7. A *Last* of Herring, contains Twenty Cades, or Ten thousand; every Thousand, Ten hundred, and every Hundred sixscore. *Anno 51 Hen. 3. Stat. 2. cap. 2.* A *Last* of Corn, or Rapeseed, is Ten Quarters. A *Last* of Wool, is Twelve Sacks. A *Last* of Leather, is Twenty Dickers, and every Dicker Ten Skins. Of Unpacked Herrings, Eighteen Barrels make a *Last*. A *Last* of *Ofmonds* is Four thousand weight. *Sed cum discederent* (mercatores) 4 *denarii de uno quoque Leth habebant Rex & Comes*. *Sc. Cestria*. LL. Edw. Conf. apud *Selden*, tit. *Hon.* fol. 620.

*Last* also, in the *Marshes of East Kent*, signifies a Court held by Twenty four Jurats, and summoned by the two Bailiffs thereof, wherein they make Orders, lay and levy Taxes, impose Penalties, &c. For preservation of the said *Marshes*. See the *Hist. of Imbanking and Draining*, fol. 54.

**Last Heir** (*Ultimus Hares*) Is he to whom Lands come by Escheat for want of lawful Heirs, that is the Lord of whom they are held, in many Cases, but the King in others. *Suppe Rex omnium heredum ultimus est, uti Oceanus omnium fluviorum receptaculum*. *Bracton*, lib. 7. cap. 17.

**Lastage**, **Lestage**, and **Lesting** (*Lastagium*, from the Sax. *Last*, i. *onus*.) A Custom exacted in some Fairs and Markets to carry things where one will (according to *Rassal*.) But *Anno 21 Rich. 2. cap. 18.* it is taken for the Ballance of a Ship. In a Charter of *Henry the Third*, to the Monastery of *Sempringham*, thus — *Et sint quieti de Theolonia, & pontagio, & passagio, & pedagio, & Lestagio, & stallagio*. Where it is to be understood in the former signification. *Omnos homines London sint quieti & liberi & omnes res eorum per totam Angliam, & per portus maris, de theolonia, & passagio, & lastagio, & ab omnibus aliis consuetudinibus*. *Diploma Hen. 1. de Libertatibus London*.

**Lastage** (says another Author) Is properly that Custom which is paid for Wares sold by the *Last*, as *Herrings*, *Pitch*, &c.

**Lathe** or **Leth** (*Lastum*, *Leda*) Sax. *Laþe* Is a great part of a County, sometimes containing three or more Hundreds or Wapentakes; as it is used in *Kent* and *Suffex*. *Suoque olim subaudens Magistratus quem Ledgrevium appellabant*. — *Et quod Anglice vocabant 3 vel 4 Hundreda, isti vocabant þilhing*. In quibusdam vero provinciis, Anglice vocabant *Laþ*, quod isti dicunt *Tribinge*. *Quod autem in Tribinge definit non poterat, ferebatur in Scyram*, i. in *Curiam Comitatus*: LL. Edw. Conf. cap. 35. — *Et sint quieti de sibi Comitatum, Leth, Hundred. & auxiliis Vicecomitum*. Pat. 1 Hen. 4. par. 3. m. 8.

**Latimer**, Seems to be used by *Sir Edw. Coke*

Coke for an Interpreter. 2 Part. Inst. fol. 515. *Vox autem unde veniat, non liquet.*

**Latitat**, Is the name of a Writ whereby all Men in Personal Actions are called originally to the *Kings Bench*. Fitz. Nat. Br. fol. 78. which hath this name, upon a supposition, commonly untrue, that the Defendant doth lurk and lie hid: For *Latitare est se maliciose occultare animo fraudandi creditores*. The true original of this Writ, is this: In ancient time whilst the *Kings Bench* was moveable, the Custom was, when any Man was to be sued, to send forth a Writ, to the Sheriff of the County of *Middlesex*, where the Court was Resident, called a *Bill of Middlesex* to take him; whereupon the Sheriff returned *Non est inventus in Balliva nostra*, &c. Then was there a second Writ sued forth, that had these words, — *Cum Testatum est quod Latitat*, &c. And thereby the Sheriff would to attach him in any other place, where he might be found: And when the Tribunal of the *Kings Bench* came to be settled at *Westminster*, the former course of Writ was kept for a long time, first sending to the Sheriff of *Middlesex*, to Summon the Party; and if he could not be found there, then to apprehend him wheresoever: But afterwards, by the contrivance of Clerks, and upon a pretence of Expedition of Justice, it was at last devised to put both these Writs into one, and so to attach the party complained of, upon a Supposal or Fiction, that he was not within the County of *Middlesex*, but lurking elsewhere; and that therefore he was to be apprehended in any place else, where he was presumed to lie hid, by a Writ directed to the Sheriff of the County where he is suspected to be.

**Launcegaps** (Anno 7 Rich. 2. cap. 13.) A kind of offensive Weapons now disused, and prohibited by the said Statute.

**Law** (Lex) From the Saxon Law or Laugh) The Law of England is divided into Three Parts: The *Common Law*, which is the most Ancient and General Law of the Realm; *Statutes* or Acts of Parliament; and thirdly, *Particular Customs*, I say, particular; for if it be the General Custom of the Realm, it is part of the *Common Law*. Coke on Littl. fol. 15. b. *Bracton* defines it to be *Sanctio iusta iubens honesta & prohibens contraria*. And the Divine Schoolman says, *Lex humana est quoddam dictamen rationis, quo diriguntur humani actus*. See *Merchenlage*.

*Law* hath also a special signification, wherein it is taken for that which is lawful with us, and not elsewhere: As Tenant by the curtesy of *England*. Anno 13 Edw. 1. cap. 3. To *Wage Law* (*Vadiare Legem*) and to make, or do *Law* (*Facere Legem*.) *Bracton*, lib. 3. trail. 2. cap. 37. When an Action of Debt is brought against one, upon some secret Agreement or Contract, as in an Action of Detinue for Goods, Money, or Chattels, lent or left with the Defendant, the Defendant may wage his *Law*, if he will, that is, swear, and certain persons with him, that he detains not the Goods, or owes nothing

to the Plaintiff, in Manner and Form as he hath declared, which is intended by Law, to be onely in case of the Plaintiffs want of Evidence, and when he cannot prove his Surmise by any Deed, or open Act. When one wages his *Law*, he shall bring with him so many of his Neighbors as the Court shall assign (Sir Edward Coke says Eleven) to swear with him, That they think in their Consciences he hath sworn truly; who in the Civil Law are called *Compurgators*. The offer to make the Oath, is called *Wager of Law*; and when it is accomplished, it is called *The making, or doing of Law*. See *Glanvil. lib. 1. cap. 9. & 12*. Anciently *Laga* was used as Latin for Law. — *Lagam Regis Edwardi vobis reddo*, &c. *Magna Char. Hen. 1. Anno 1 Rich. 3. cap. 2.* — 31 Hen. 6. cap. 6. Coke on Littl. fol. 155. & 295. who says it is called *Wager of Law*, because in old time the party did engage with fury, to make his *Law* by such a day. *Legem vadiare, est cautionem dare de perimplendo Legis exigentiam in re litigata; ut de prestando Sacramento ad iudicium diem, cum iudicio consacramentalium seu conjuratorum numero*. Spelman. And was a Custom anciently used among the Egyptians, as *Boemus* in his Book *De moribus Gentium*, informeth us.

**Latoper**, (*Legista, Legisperitus, Juri speritus*), Our Saxons called him *Lahman*.

**Law of Merchants** (*Lex Mercatoria*) Is become a part of the Laws of this Realm; for, if there be two Joynt-Merchants of Wares and Merchandise, and one of them dies, his Executor shall have the moyety, which is not so in the case of others, nor Merchants. Coke on Littl. fol. 182. Anno 13 Edw. 1. stat. 3. & 27 Edw. 3. cap. 8.

**Law Spiritual** (*Lex Spiritualis*) Is the Ecclesiastical Law, allowed by the Laws of this Realm, which is not against the Common Law (whereof the Kings Prerogative is a principal part) nor against the Statutes and Customs of the Realm. And regularly according to such Ecclesiastical Laws, the Ordinary, and other Ecclesiastical Judges do proceed in Causes within their Cognizance. Coke on Littl. fol. 344.

**Law of the Staple** (27 Edw. 3. stat. 2. cap. 22.) Is the same with *Law-Merchant*. See 4 Inst. fol. 237, 238. And *Staple*.

**Law of Marque** (Anno 27 Edw. 3. stat. 2. cap. 17.) From the German word *March*, i. *Limes*, a Bound or Limit; because they, that are driven to make use of this *Law*, do take the Shipping or Goods of that people, of whom they have received wrong, and cannot get ordinary Justice, when they can take them within their own Bounds or Precincts. See *Reprisals*.

**Law-day**, Is otherwise called *View of Frankpledge*, or *Court Lect*. Anno 1 Edw. 4. cap. 2. it is used for the County Court. — *Et quod terra eorum imperpetuum quiescat sint de seculo Comitatum & Hundredorum nostrorum, de visu Franci plegii & Lawdayorum, de Turno & auxilio Vicecomitum*, &c. Carta 39 Hen. 3. m. 5.

**Lawing**

**Lawing of Dogs**, Mastiffs must be lawed every three years. *Crompt. Jur. fol. 163*. that is, Three Claws of the Fore-foot shall be cut off by the Skin. *Char. Foresta, cap. 6*. or the Ball of the Forefoot cut out. See *Expeditate* and *Pellota*.

**Lawless Court**. On *Kingshil* at *Rochford* in *Essex*, on Wednesday morning next, after *Michaelmas* day, at *Cockscrowing*. Is held a Court, vulgarly called *The Lawless Court*. They whisper and have no Candle, nor any Pen and Ink but a Coal; and he that owes Sute or Service, and appears not, forfeits double his rent every hour he is missing. This Court belongs to the Honor of *Raleigh*, and to the Earl of *Warwick*; and is called *Lawless*, because held at an unlawful or lawless hour, or *Quia dicta sine lege*. The Title of it in the Court Rolls, runs thus,

*Kingshil in Rochford. Ill. C. Vria de Domino Rege, Distia sine Lege.*

*Tenta est ibidem  
Per ejusdem consuetudinem,  
Ante ortum solis,  
Luceat nisi solus,  
Senescallus solus,  
Nil scribit nisi culis,  
Toties voluerit,  
Gallus ut cantaverit,  
Per cuius solis sonitus,  
Curia est summonita,  
Clamat clam pro Rege,  
In Curia sine Lege,  
Et nisi eisd venerint,  
Citius panituerint,  
Et nisi clam accedant,  
Curia non attendat,  
Qui venerit cum lumine,  
Errat in regimine:  
Et dum sunt sine lumine,  
Capti sunt in crimine:  
Curia sine cura,  
Furati de injuria,  
Tenta ibidem die Mercurii (ante Diem) proximi  
post Festum Sancti Michaelis Arch-angeli,  
Anno regni Regis, &c.*

This Court is mentioned in *Cam. Britan*, though imperfectly; who says this servile attendance was imposed on the Tenants, for conspiring at the like unseasonable time to raise a Commotion, fol. 441.

**Lawless-man** (Sax. *Laugheles-Man*, ex-lex) Is otherwise called an *Outlaw*. *Pro exlege tenebitur, cum Principi non obediat nec legi*, & tunc utlagabitur sicut ille qui est extra legem, sicut *Laugheles-man*. *Bract. lib. 3. & Corona*, cap. 11.

**Labon**. See *Landa*.

**Lapland** (*Terra inculta, novale*) Land that lies untilld.

**Leap-year**. See *Bissextile*.

**Lease** (from the Fr. *Laisser*, i. Relinquere, Permittere) Is a Demise or Letting of Lands, Teneiments, Right of Common, Rent, or any

Hereditament to another, for Term of Years or Life, for a Rent Reserved. If the Lease be written, it is said to be an *Indenture*, *Deed*, *Poll*, or *Lease in writing*; if made by word of Mouth, it is called a *Lease Parol*. The Party that Lets this Lease, is called the *Lessor*, and he to whom it is made, the *Lessee*. A Lease hath in it six Points or Parts, 1. Word importing a Demise. 2. A Lessee named. 3. A Commencement from a day certain. 4. A Term of Years. 5. A Determination. 6. A Reservation of Rent. Coke, vol. 6. *Knights Case*, fol. 55.

**Lecherwoite** alias **Legertwoite**. See *Lairwoite*.

**Leccatoz**, A Riotous debauched Person, a Roaring Boy, a Tavern-hunter. *Sciatis—quod ego Johannes Constabularius Cestrie dedi—Hugoni de Dutton, & Haredibus Magistratum omnium Leccatorum & Meretricum totius Cestrie sicut liberius illum Magistratum teneo de Comite. Salvo jure meo mihi & haredibus meis. Huius testibus, &c. Sine dat. circa Annum 1220.*

**Let** (*Letta*, visus Franci-plegii) Otherwise called a *Law-daw*: This Court, in whose Manor forever kept, is accounted the *Kings Court*; because the Authority thereof is originally belonging to the Crown, and thence derived to inferior persons, and is a Court of Record. It enquireth of all offences under *High Treason*, though it cannot punish many, but must certify them to the Justices of Assize, by Stat. 1 Edw. 3. cap. ult. Of which, see 4 Inst. fol. 261. And the Stat. 8 Edw. 2. *Hec est Curia prisca illa* (says *Spelman*) qua inter Saxones ad *Friborgos*, *Decanias*, *Tenementales* pertinebat. *Lect* comes from the Sax. *Laet*, i. *Censura*, *arbitrium*, or from *Laetan*, *Censere*, *astimare*. *Quid in hac olim Curia de damnis astimabatur inter vicinos emergentibus, ut patet in LL. Edw. Conf. cap. 20*. See the *Antiquities of Warwickshire*, fol. 2.

**Legacy** (*Legatum*) Is a particular thing given by a last Will and Testament; and he to whom such Legacy is given is called a *Legatee*.

**Legalis homo**, Is taken for him, who stands Rectus in Curia, not Outlawed nor Excommunicated, nor Defamed; and in his fence, are those words so often used *Probi et legales homines*. Hence *Legality* is taken for the condition of such a Man. — *Ipsa tamen malefactorum tradat fidejussores de pace & legalitate tuenda*, i. Sureties for his Good-behavior. *LL. Edw. Conf. cap. 18*. See *Roman*.

**Legatarie** (*Legatarius*) He or she to whom any thing is bequeathed, a *Legatee*. *Spel. says*, it is sometimes used *Pro Legato vel Nuncio*.

**Legatorie** (Anno 27 Eliz. cap. 16.) The same with *Legatary*.

**Legergild** (*Legergildum*) The same with *Lairwoite*. But in the Laws of *Hen. 1. cap. 12*. it seems to have a different signification. *Si quis Dei fugitivum habet injuste, reddat cum ad redum, & persolvat ei cuius erit, & Regi emendes secundum Legergildum*.

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**Legerpend**

**Legestpend.** See *Leſpēgend*.

**Legitimation** (*Legitimation*) A making lawful, or Legitimate.

**Lent** (from the Sax. *Lencten Fæſten*, i. *Jejunium vel tempus quadrageſimale*, The Spring Fast) A time of Faſting for forty days, next before *Eaſter* 3 mentioned in the Stat. 2 & 3 *Edw. 6. cap. 19.* And (according to Sir Rich. Baker, *Chron. fol. 7.*) firſt commanded to be obſerved in England by Ercombert, Seventh King of *Kent*, before the year 800.

**Lep and Lace** (*Leppa & Laſſe*) Is a Cuſtom within the Mannor of *Writtel* (in *Com. Eſſex*) that every Cart that comes over a part thereof, called *Greenbury* (except it be the Cart of a Nobleman) pays four pence to the Lord of the Mannor. This *Greenbury* is conceived to have anciently been a Market place, and therefore had this privilege granted. *Tobias Edmonds, Gen. Senefcal. ibid.*

**Lepozartius**, A Grey-hound for the Hare. — *Concedo eis duos Leporarios & quatuor Braccatos ad leporem capiendum in Foresta noſtra de Eſſexia.* Mon. Angl. 2 par. fol. 283. a.

**Leproſo amobendo**, Is a Writ that lies for a Pariſh to remove a *Leper* or *Lazar*, that thruſts himſelf into the Company of his Neighbors, either in Church or other Publick Meetings to their Annoyance. *Fitz. Nat. Br. fol. 234.*

**Leſpēgend** (Sax. *Leſ-pēgen*, i. *Barominor*) — *Sint ſub quolibet horum quatuor ex mediocribus hominibus (quos Angli Leſpēgend nuncupant, Dani vero Poong men vocant) locati, qui curam & onus tum viridis tum veneris ſuſcipiant.* Conſtitut. Canuti Regis de Foresta, Art. 2.

**Leſtage.** See *Laſtage*.

**Leſth.** See *Laſth*.

**Leſtherwite.** 2 *Inſt. fol. 488.* This is doubtleſs there miſtaken, or falſe Printed for *Lecherwite*. See *Lairwite*.

**Letters Patent** (*Littera Patentes*) Are Writings, ſealed with the Great Seal of England, whereby a Man is enabled to do or enjoy that, which otherwiſe of himſelf he could not. Anno 19 *Hen. 7. cap. 7.* And they are ſo called, becauſe they are open, ready to be ſhewed for confirmation of the Authority thereby given. *Letters Patent* may be granted by common perſons, but they are rather called *Patents*; yet for diſtinction, the Kings Letters Patent are ſometimes called *Letters Patent Royal.* Anno 2 *Hen. 6. cap. 10.* *Letters Patent* conclude with *Teſte me ipſo, &c.* *Charters*, with *Hiis teſtibus.* 2 *Par. Inſt. fol. 78.*

**Letter of Atturney** (*Littera Attornati*) Is a writing authorizing an *Atturney*, that is, a Man appointed to do a lawful act in our ſteeds. *Weſt.* pa. 1. *Symb. lib. 2. ſect. 559.* As a *Letter of Atturney* to give *Sciſin* of Lands, thus anciently.

**P** *Atene univerſis per preſentes quod ego Johannes Gour Dominus de Poodeſſione Attornavi loco meo dilectum mihi in Chriſto Johannem Hendyng ad ponendum William Naſche &*

*Rogorum Naſche in plena & pacifica ſeiſina in omnibus illis terris, & tenementis cum pertin. ſuis, que & quas habeo in Orleton prout in carta Eoſſamenti diſtis Will. & Rogero inde conſecta plenius continetur. Ratum habeo. & gratum quicquid diſtus Johannes nomine meo fecerit in premiſſis. In cuius, &c. dat. 43 Ed. 3.*

**Letters of Marq**—See *Marq* and *Reprifals*.

**Lebant and Couchant**, Is, when Cattel have been ſo long in another Mans Ground, that they have lain down, and are riſen again to feed; in ancient Records *Levantes & cubantes.* See *Falſa*.

**Lebart facias**, Is a Writ directed to the Sheriff for the levying a Summ of Money upon his Lands and Tenements, who has forfeited a Recognizance. *Reg. of Writs, fo. 298. b.*

**Levari facias damna de diſſeſtoribus**, Is a Writ directed to the Sheriff, for the levying Damages wherein the Diſſeſſor has formerly been condemned to the Diſſeſſee. *Reg. of Writs, fo. 214. b.*

**Levari facias reſiduum debui**, Is a Writ directed to the Sheriff, for the levying the remnant of a Debt upon Lands and Tenements, or Chattels of the Debtor, that has been in part ſatisfy'd before. *Reg. of Writs, fol. 299.*

**Levari facias quando vicecomes returnavit quod non habuit emptores**, Is a Writ commanding the Sheriff to ſell the Goods of the Debtor, which he has already taken and returned, that he could not ſell. *Reg. of Writs, fol. 300. a.*

**Lehy**, (*Levare*) Signifies to gather, or exact, as to levy Money; and is ſometimes uſed to erect or ſet up, as to levy a Mill. *Kitchin, fo. 180.* Alſo to raiſe or caſt up, as to levy a Ditch. *Old. Nat. Br. fol. 110.* And to levy a Fine, which is now the uſual term; but I have ſeen a Deed, wherein William St. George Eſquire covenants to *vere* a Fine of the Mannors of Brandon and Wyck-hampton. *Dat. 17 Hen. 6.*

**Lex Bretoſe**, The Law of the Britains, or Marches of Wales, *Lex Marchiarum.* See *Bretoſe*.

**Lex deraſina**, *reſtius Deraſina*, Is the proot of a thing, which one denies to be done by him, and his Adverſary affirms it; defeating and confounding the Aſſertion of his Adverſary, and ſhewing it to be without and againſt reaſon or probability. *Juris membrum eſt Normannici, quod in priſco ejuſdem Cuſtumario, ca. 126. ſic deſinitur.* *Deraſina autem eſt Lex quedam in Normania conſtituta, per quam in ſimplicibus querelis, inſecutus, faſum quod a parte adverſa ei obicitur, ſe non feciſſe declarat.* Vide plura ibidem. & *Deveyn*.

**Legager.** (*Anno 1. Car. 1. ca. 3.*) *Wager of Law.* See *Law*.

**Lepp.** (*Lex.*) See *Law*.

**Libel**, (*Libellus*,) Litterally ſignifies a little Book; but by uſe it is the original Declaration of any action in the Civil Law, *An. 1 Hen. 5.*

1 *Hen. 5. ca. 3 & 2 Ed. 6. ca. 13.* It ſignifies alſo a ſcandalous report of any man caſt abroad, or otherwiſe unlawfully publiſhed in Writing but then, for difference ſake, it is called *famoſus libellus*, an infamous Libel. See *Cokes Rep. lib. 5. fo. 124, 125. & 3 Inſt. fo. 174.* See *Rime*.

**Libello habendo.** See *Copia libelli deliberranda*.

**Libet taurus**, A free Bull. — *Compertum per Jur. quod Will. de Loſa fuit ſeiſitus de libero Tauro habendo in Hamſted, &c.* — *Ideo conſideratum eſt, quod prædictus W. recuperet damna ſua, que taxantur per Jur. ad 20 s, pro imparcatione ejuſdem Tauri, &c.* *Norſ. 16 Ed. 1.*

**Libera batella**, A free Boat. — *Per liberam batellam, hoc eſt, habere unam cimbam ad piſcand. ſubter pontem Ceſtria & ſupra Etonam, & ibidem cum omni genere retium.* *Plac. in Itin. apud Ceſtriam 14 Hen. 7.*

**Libera chaſtea habenda**, Is a Writ judicial, granted to a man for a free chaſe belonging to his Mannor, after he has, by a Jury, proved it to belong to him. *Reg. of Writs judicial, fo. 36 and 37.*

**Liberate**, Is an original Writ, iſſuing out of the Chancery to the Treafurer, Chamberlances, and Barons of the Exchequer, or Clerk of the Hamper &c. for the payment of any annual penſion, or other ſum granted under the Great Seal; or to a Sheriff, to deliver poſſeſſion of Lands and Goods extended. See *Broke tit. Taille d'Exchequer, & 4 Inſt. fol. 116.*

**Libertate probanda**, Was a Writ that lay for ſuch as were challenged for Slaves, and offered to prove themſelves free, &c. *Fitz. Nat. Br. fo. 77.* Villenage, and the ſeveral appendices thereof, viz. Infranchiſement, *Writs de Nativo habendo & Libertate probanda; and the pleadings and trials relating therunto, were great Titles in the old Books, but now antiquated by time.* *Pref. to Rolls Abridg.*

**Libertatibus allocandis**, Is a Writ, that lies for a Citizen or Burgeſs, (that, contrary to his liberty, is impleaded) to have his privilege allowed. *Reg. of Writs, fo. 262.*

**Libertatibus exigendis in itinere**, Is a Writ whereby the King wills the Juſtices in Eyre to admit of an Atturney for the defence of another Mans liberty before them. *Reg. of Writs, fo. 19.*

**Liberum Herbagium.** See *Herbagium*.

**Librata terra**, Contains four Oxgangs, and every Oxgang 13 Acres. *Schene; verbo Bovata terra.* See *Fardingdeal*.

**Licence to ariſe**, (*Licentia ſurgendi*,) Is a liberty, or ſpace of time given by the Court to a Tenant to ariſe out of his bed, who is eiſoynded de malo leſſi, in a real action. See *Bracton, lib. 5. Traſt. 2. ca. 7. 10 & 12.* And *Horn's Mirror, ca. des Effoins.* *Licentia ſurgendi* is the Writ thereupon. *Reg. fo. 8.*

**Licentia tranſſeretandi**, Is a Writ or Warrant directed to the keepers of Dover-

Port, &c. willing them to let ſuch paſs over-Sea, who have formerly obtained the Kings Licence thereunto. *Reg. of Writs, fo. 193.*

**Licentia concordandi**, (*Anno 12 Car. 2. ca. 12.*) See *Kings-ſilver*.

**Lifoſod-Law**, Is grown to a kind of Proverb, to hang men firſt, and to indite them afterwards; ſo called, from a Town of that name in *Cornwal*; where a Court is held, which was heretofore of great extent; the courſe whereof is very ſummary. The like being ſaid of *Haliſax* in the County of *York*.

**Lieutenant**, or **Lieutenant**, (*Locum-tenens*,) The Kings Deputy, He that exerciſes the Kings, or any other perſons place, or repreſents his perſon: As the *Lieutenant of Ireland*, Anno 4 *Hen. 4. ca. 6.* and 2 & 3 *Edw. 6. ca. 2.* whence that Officer ſeems to take his beginning. *Lieutenant* of the Ordnance, Anno 39 *Eliz. ca. 7.*

**Life-rent**, Is a Rent or Exhibition, which a Man receives either for Term of life, or for ſuſtentation of life. *Nota quod Eſchacta terrarum felonis poſt annum & diem, (viz. bis Life-rent,) ipſo vivente computatur inter bona mobilia.* *Skenauſ ad Quon. Attach. ca. 18. verſ. 5.*

**Lieges**, and **Liege-people**, (*Ligati*,) The Kings Subjects, anciently ſo called, becauſe they owe, and are bound to pay Allegiance to Him. Anno 8 *Hen. 6. ca. 10.* 14 *Hen. 8. ca. 2.* and divers other Statutes: yet anciently private perſons had their *Leiges*.

*Reinaldus Dei gratia Abbas Rameſie, Præpoſito & hominibus de Branceſtre & omnibus vicinis Francis & Anglis ſalutem.* *Sciatis me dediffe terram Wiſ in depedens, (hodie Depedale) buic Boſelino & uxori ejus Alſina, ita bene ſicut homines de Branceſtre illum teſtificaverunt verum habuiſſe, ea conditione quod eſſet ſunt homines Ligis.* *Lib. Rames. ſect. 244.*

*Omnibus, &c. Reginaldus Rex Inſularum ſalutem.* *Sciatis quod deveni homo ligeus Domini Regis Anglia Johannis contra omnes mortales quamdiu vivero, & inde ei fidelitatem & ſacramentum præſtiti, Et in huius rei teſtimonium hanc cartam meam inde feci.* *T. Domino F. Wint. Epifcopo. M. S. penes Wil. Dugdale Ar. See Ligeancy.*

**Lierbolt.** See *Lairwite*.

**Ligeancy**, (*Ligantia*, From the Ital. *Liga*, a League or Bond; Vinculum æquum inter ſubditum & Regem utroſque invicem connectens; hunc ad protectionem & juſtum regimen, illos ad tributa & debita ſubjectionem,) Is ſuch a Duty or Fealty, as no man may owe or bear to more than one Lord; and therefore it is moſt commonly uſed for that Duty and Allegiance which every good Subject owes to his *Liege-Lord* the King.

**Sovereign Lord**, *I Henry Percy become your Subgette and Leige Man, and promit to God and you, that hereafter I ſhall and Crouth ſhall bear to you, as to my Sovereign Leige Lord, and to your Heirs Kings of England of life and limme, and of earthly worſhippe, ſoz to live and die apeting*



apeint all erthly People, and to Pou and to Pour Commandements I shall be ohefant, as God me help and his Holy Evangelists. 27 Oct. 9 Ed. 4. Clauf. 9 Ed. 4. m. 13. in dorfo. See Lieges.

**Ligeance,** (*Ligeantia* a *Ligando*.) Is a true and faithful obedience of the Subject to his Sovereign. Sometimes it signifies the Dominion or Territory of the *Liege Lord*. As *Anno 25 Ed. 3. Stat. 2. Children born out of Ligeance of the King*. Also the same with *Ligeancy*. See *Coke on Litt. fo. 129. a. and Calvins Case. 7. Rep.*

**Limitation of Affize,** (*Limitatio Affize*) Is a certain time set down by Statute, wherein a Man must allege himself or his Ancestor to have been seized of Lands sued for by a Writ of Affize. See the Stat. of Merton, ca. 8. and *Westm. 1. ca. 38.* So it is used in *Old Nat. Br. fo. 77.* in these words, *The Writ de Consecutionibus & servitiis lyeth, where I or my Ancestors, after the limitation of Affize, were not seized of the Customs, &c. But before the limitation of Affize we were seized, &c.*

**Linarium,** A place where Flax is sown, a flax-plat. — *Et messuagium quod est juxta cimiterium, cum linario, quod jacet juxta predium Messuagium.* Pat. 2 Hen. 4. Par. 1. m. 33.

**Littera,** As *tres Cavellatas Littera*, three Cartloads of Straw or Litter. *Mon. Angl. 2 Par. fo. 33 b.*

**Liberty,** (from the Fr. *Livre*, i. Insigne, Gestamen,) Signifies a Hat, Coat, Cloak or Gown, which a Noble or Gentleman gives to his servants or followers, with cognizance or without, and is mentioned in 1 *Rich. 2. ca. 7.* and 3 *Car. 1. ca. 4.* and divers other Statutes. See *Retainer*. Also, before the Stat. of 12 *Car. 2. ca. 24.* it did signifie a delivery of possession to those Tenants which held of the King in *Capite*, or *Knight's-service*; for, the King, by his Prerogative, had *primer seisin*, or the first possession of all Lands and Tenements so holden of him. *Stamf. Prærog. ca. 3. fo. 12.* it was in the nature of a Restitution, says Sir *Edward Coke*. And the Writ which lay for the Heir to obtain the possession or seisin of his Lands at the Kings hands, was called his *Livery*. *Fitz. Nat. Br. fo. 155.* but by the said Statute all Wardships, Liveries, &c. are taken away and discharged.

**Liberty of seisin,** (*Deliberatio seisine*.) Is a delivery of possession of Lands, Tenements, or other corporeal thing, (for, of things incorporeal no *Livery* of seisin may be) to one that has right, or a probability of right thereto. For, (as *Bracton* says, lib. 2. ca. 18, num. 3.) *Traditio debet esse vestita, & non nuda.* It is a Ceremony used in conveyance of Lands or Tenements, where an estate in Fee simple, Fee tail, or a Freehold passeth; And, it is a testimonial of the willing departure of him, who makes the *Livery*, from the thing whereof *Livery* is made. And the receiving of the *Livery* is a willing acceptance by the other party of all that where-

of the other hath devested himself. The common manner of delivery of Seisin, is thus: If it be in the open Field, where is no Houfe, nor building, and if the estate pass by Deed, one openly reads it or declares the effect of it, and after that is sealed, the Vendor takes it in his hands, with a clod of Earth upon a twig or bough, which he delivers to the Vendee, in the name of Possession or Seisin, according to the effect of the Deed: But if there be a Houfe or Building upon the Land, then this is to be done at the door of it, (none being left at that time within the house) and the Ring of the door delivered to the Vendee, who enters alone, shuts the door, and presently opens it again. If it be a House, without Land or Ground, the Livery is made, and Possession taken by delivery of the Ring of the door, and Deed only. And where it is without Deed, either of Lands or Tenements, there the party declares by word of Mouth, before witnesses, the estate he parts with, and then delivers Seisin or Possession in manner aforesaid: And so the Land or Tenement passeth as well as by Deed, and that by force of the *Livery of Seisin*. See *West. par. 1. Symbol. lib. 2. sect. 196.* and *Coke on Litt. fol. 48. a.* This was anciently a Pair of Gloves, a Ring, Knife, Ear of Wheat, &c. was delivered in sign or token of *Livery and Seisin*.

**Local** (*Localis*) Tied or annexed to a place certain: As the thing is *local* and annexed to the Freehold. *Kitchin, fol. 180.* An Action of Trespass for Battery, &c. is transitory, not *local*, that is, not needful that the place of the Battery should be set down, as material in the Declaration, or if it be set down, that the Defendant should Traverse the place set down, by saying he did not commit the battery in the place mentioned in the Declaration, and so avoid the Action. And again, *fol. 230.* the place is not *local*, that is not material to be set down in certainty, or that the Action should be tried or laid in the same County where the Fact was done. The gard of the person, and of the Lands, differs in this; because the person, being transitory, the Lord might have his *Ravishment de Gard*, before he was seized of him, but not of the Land, because it is *local*. *Perkins. Grants, 30.*

**Locus Partitus,** Signifies a Division made between two Towns or Counties, to make tryal in, whether the Land or place in question lies. *Fleta, lib. 4. cap. 15. num. 1.*

**Lode Ship,** A kinde of Fishing Vessel, mentioned 31 *Edw. 3. stat. 3. cap. 2.*

**Lodemogke,** One of the Works belonging to the *Stannaries* in Cornwall; for which, see *Stremeworks*.

**Lodemerege.** — *Item en droit de Lodemerege dient les avantidiz Jurez, que leur semblé cest cas, ils ne scayent meilleur aduise ne remède, mais que ce soit desore user & faire par maner queest conteyne en le Ley D'Oteron.* *Pryn Animad. on 4 Inst. fol. 116.*

**Logating,**

**Logating,** An unlawful game, mentioned 39 *Hen. 8. cap. 9.* now disused.

**Logwood,** Is a kinde of Wood, which divers use, otherwise called *Black-wood*, brought from *Comperbe*, and other remote parts, and was prohibited by Stat. 23 *Eliz. ca. 9.* and 39 *ed. 3. cap. 11.* But since by Stat. 14 *Car. 2. cap. 11.* the importation and use of it is allowed.

**Loich or Lopch fish.** (31 *Edw. 3. stat. 3. cap. 2.*) And that no fish called *Lopch fish*, be chosen or tried, but only in three parts, that is to say, Lob, Ling, and Cod.

**Lollarde and Lollery** (*Anno 1 & 2 Phil. & Ma. cap. 6.*) The Doctrine and Opinion of the *Lollarde*. *Rogerus Acton miles pro Proditiore & Lollaridia distrabatur & suspendatur, & sic suspensus pendat ad voluntatem Regis.* *Middelex Plac. Hill. 1 Hen. 5. Rot. 7. & Trin. 2 Hen. 5. Rot. 6.*

**Lollarde** (so called from *Walter Lollarde*, a German, First Author of this Sect, living about the year 1315.) Were certain Hereticks (at least, in the Opinion of those times) that abounded here in England in the days of Edward the Third, and Henry the Fifth, whereof *Wickliff* was the cheif in this Nation, according to *Stow* in his *Annals*, fol. 425. They are mentioned *Anno 2 Hen. 5. cap. 7.* Against these *Lollarde* much was decreed by *Tho. Arundel*, Archbishop of Canterbury, in a Council at Oxford. See their Tenets in *Spiswoods History of Scotland*, fol. 61. The High Sheriff of every County, is bound by his Oath, to suppress them.

— You shall (says the Oath) do all your pain and diligence, to destroy, and make to cease all manner of Heresie and Errors, commonly called *Lollarde*, within your Bailiwick from time to time with all your power, &c.

The intent of the Hereticks called *Lollarde*, was to subvert the Christian Faith, the Law of God, the Church, and the Realm; So said the Statute of 2 *Hen. 5. cap. 7.* which was repealed 1 *Edw. 6. cap. 12.* See 3 *Inst. fol. 41.* and *Caudries Case*.

**Lord** (*Dominus*, Sax. *hlaford*, signifying a Bread-giver, Bountiful, or Hospitable) Is a word of Honor with us, and used diversly. Sometimes being attributed to those, who are noble by Birth or Creation, and are otherwise called *Lords of the Parliament*, and Peers of the Realm; sometimes to those, who are so called by the curtesie of England, as all the Sons of a Duke, or Marquess, and the eldest Son of an Earl. Sometimes to Persons, Honorable by Office, as *Lord Chief Justice*, &c. And sometimes to an Inferior Person that hath Fee, and consequently, the Homage of Tenants within his Mannor; for by his Tenants he is called *Lord*, and in some places, for distinction sake, *Landlord*. In which last signification, it is most used in our Law-Books, where it is divided into *Lord Paramount*, and *Lord Mesn*. *Lord Mesn*

is he that is owner of a Mannor, and by virtue thereof hath Tenants holding of him in Fee, and by Copy of Court-Roll; and yet holds himself of a Superior Lord, called *Lord Paramount*, or above him. *Old Nat. Br. fol. 79.* We likewise read of *Very Lord*, and *Very Tenant*. *Very Lord* is he, who is immediate Lord to his Tenant; and *Very Tenant*, he that holds immediately of that Lord. So that if there be *Lord Paramount*, *Lord Mesn*, and *Tenant*; the *Lord Paramount* is not *Very Lord* to the *Tenant*, *Broke tit. Hoviot, num. 1.*

**Lord in Grose,** Is he who is Lord, not by reason of any Mannor, as the King in respect of his Crown. *Fitz. Nat. Br. fol. 3. and 8.* where also is a Case wherein a private person is a *Lord in Grose*. As a Man makes a Gift in Tail of all the Land he hath, to hold of him, and dies; his Heir hath but a Seigniorie in Grose.

**Lozrners or Lozimers** (Fr. *Lormier*, from the Lat. *Lorum*) Is one of the Companies of London, that make Bits for Bridles, Spurs, and such like small Iron ware. *Anno 1 Rich. 2. cap. 12.*

**Lot or Loth,** Is the thirteenth Dish of Lead, in the *Darbishire Mines*, which belongs to the King; *Pro dominio suo.* — *Presentatum est in Ragemannii per 12 de Alto Pecco, quod Rad. de Wyne fecit quandam Purpresturam in solo Domini Regis in Tatington & Prestelive, faciendo mineram plumbi, unde Rex solebat percipere le Lot mineris, i. Tertium decimum vas, &c.* *Rot. Rageman & de quo Warranto de Itin. de Derbi. 9 Edw. 1.* — *Et de minerâ lucrata in hujusmodi opere in feodo Domini Regis, Dominus Rex habebit pro Dominio suo tertium decimum discum, qui dicitur le Loth.* *Eschaet. de Anno 16 Edw. 1. num. 34.* See *Cope*.

**Lothbertwit** alias **Leperwit**, Is a Liberty or Privilege, to take amends of him that defies ones Bond-woman without Licence. *Rastals Exposition of Words.* According to others, it is an amends for lying with a Bond-woman. See *Lairwit*. Some think it should be rather written *Legerwit*, for *Legen* in Saxon, signifies a Bed; or *Lecherwite*, a mulct or punishment for *Lechery*.

**Lourgulary** (Fr. *Loupderie*, i. *Inhumanitas, incivilitas*) In Statute pro fratre London. impresso Anno 1573. Art. 45. Casting any corrupt thing, appoisoning the Water, is *Lourgulary* and Felony; some think it a corruption of Burglary. See *Glossar. in decem Scriptores, verbo, Burglaria*.

**Lowbellers** (*Anno 23 Eliz. cap. 16.*) Are such as go with Light and a Bell, by the sight whereof, Birds sitting on the Ground, become somewhat stupified, and so are covered with a Net, and taken. This name is derived from the word *Loth*, which, in the Saxon, or old English, signifies a Flame of Fire. See the *Antiq. of Warwickshire, p. 4.*

**Lufbozote** or **Lufburga**, Was a base sort of Money coined beyond Seas, to the likeness of English Money, in the days of Edward the Third, and brought in, to de-

ceive the King and his People. To avoid which, it was made Treason, for any Man wittingly to bring in any such. *Anno 25 Edu. 3. stat. 4. cap. 2. 3. Pars Inst. fol. 11.*

## M.

**M.** Every Person convicted for Murder, (Man-slaughter) and admitted to the benefit of his Clergy, to be marked with an M. upon the Brawn of the Left-thumb. *Anno 4 Hen. 7. cap. 13.*

**Macgregre** alias **Macgregre** (Macbecarri) Arc. such as willingly buy and sell stolen Fleth, knowing the same to be stolen. *Britton, cap. 29. In turna Vice-com' 12 Juratores, inter alia, presentent — De Macgregre achatauns & vendamus a esiaent chav embles. Cromptons Justice of Peace, fol. 193. a. Vide LL. Ina cap. 20. de carnem furtivam emente.*

**Madning-money**: Old Roman Coyns, sometimes found about Dunstable, are so called by the Country people; and retains the name from Magintum used by the Emperor Antonine in his Itinerary for Dunstable. *Cam.*

**Maeremium**, Is derived from the Old Norman word *Marisne*, for Timber.

**Reu. dilecto** — *Rogera de Horsley Constabulario Castri sui de Baumburg salutem. Mandamus vobis quod homines partium predictarum, nuper in Castro predicto pro Salvatione Corporum & rerum suarum contra aggressus Sectarum commorantes, Maeremium de logis suis, nec non bona & castalla ac virtualia sua in eodem Castro, & in Fossato & Mota ejusdem existentia, sine impedimento, capere & carere, & quo voluerint asportare, permittatis. Et. T. Rege apud Cowey. 12 Junii. Claus. 16 Edw. 2. m. 3.*

**Magbote** or **Megbote** (From the Sax. *Mæg*, i. cognatus, & *bote* compensatio) A recompence for the slaying or murder of ones Kinsman. For anciently, in this Nation, Corporal punishments for Murder, and other great offences, were sometimes transmutated into pecuniary Fines, if the Friends of the party slain, were to content. *LL. Canuti Regis, Par. 1. cap. 2.*

**Magna Assisa Cligenda**, Is a Writ directed to the Sheriff, to summon four lawful Knights before the Justices of Assise there, upon their Oaths, to chuse Twelve Knights of the Vicinage, &c. to pass upon the Great Assise, between A. Plaintiff, and B. Defendant. *Reg. of Writs, fol. 8. a.*

**Magna Charta**, The Great Charter, Granted in the Ninth year of Henry the Third, and confirmed by Edward the First, and other Kings. The reason why it was so termed, was either for the excellency of the Laws and Liberties therein contained, or else, because there

was another Charter, called the Charter of the Forest, established with it, which was the lesser of the two; or, because it contained more then many other Charters, or more then the Charter of King Henry the First. Or in regard of the Wars and great troubles in the obtaining of it, or the great and remarkable solemnity, in the denouncing Excommunication and direful Anathema's against the infringers of it. See Spelmans Gloss. on this word at large, who calls it *Augustissimum Anglicarum libertatum diploma & sacra Anchora*. So Edward Coke says, It is *Magnum in Parvo*, and that it hath been above thirty times confirmed. *On Litt. fol. 81.*

**Mahim** (Mahemium) from the Fr. *Maigrer*, i. *mutilare*. Signifies a Corporal hurt, whereby a Man loseth the use of any Member, that is, or may be any defence to him in Bartel: As the Eye, the Hand, the Foot, Scalp of the Head, Foretooth, or, as some say, any Finger, or Toe. *Glanvil. lib. 14. cap. 7. See Bracton at large, lib. 3. tra. 2. cap. 24. num. 3.* The cutting of an Ear or Nose, or breaking the hinder Teeth, is no Mahim; because it is rather a deforming the Body, than a diminishing its strength: And when the case is difficult to judge, whether it be a Mahim, or not, the Judges commonly behold the party wounded, and sometimes take the opinion of some able Chirurgion. The Canonists call it *Membris mutilationem*. All agree, that it is the loss of a Member, or the use thereof. See Skene, verbo, *Machanium*.

**Maiken Kents**, Is a Noble paid by every Tenant in the Mannor of Builth in *Com. Radnor*, at their Marriage, and it was anciently given to the Lord for his quitting the Custom of Marcheta, whereby some fancy, That he was to have the first Nights Lodging with his Tenants Wife: But I rather suppose it be a Fine for the Licence to marry a Daughter. Sir Edm. Sawyer is now Lord of this Mannor. See *Marcheta*.

**Maignagium** (from the Fr. *Maignen*, i. *Faber ararius*) A Brasiers-shop. *Idem Hugo tenbat unum Maignagium in foro ejusdem villae, &c. Lib. Ramef. sect. 265. See Cotland. Thought 4 Inst. fol. 338. confounds Managium with Mesuagium.*

**Maille**, Anciently a kinde of Money. *Etiam latius accipitur, nec tantum pro denariis plurius, sed & portione aliqua rei frumentaria vel annonaria; hoc vero in plaga Angliae Baroni Blackmaile dicitur, ut pecuniariorum illa distinguatur. Inquis. capta post mortem Wil. de Coway, Anno 20 Edw. 3. n. 63. Lanc. Est in Ulverston quoddam proficuum vocat. *Estmales*, & quoddam proficuum apud Plumpton, vocat. *Cotomale*. *Spel. See Blackmaile.**

**Mainour**, **Manour**, or **Metnour** (from the Fr. *Manier*, i. *manu trahere*) Signifies the thing that a Thief takes away or steals. As, to be taken with the *Manour* (*Pl. Cor. fol. 79.*) Is to be taken with the thing taken about him. Again, *fol. 194.* it was presented, that a Thief was delivered

livered to the Viscount together with the *Manour*. And again, *fo. 149.* If the Defendant were taken with the *Manour*, and the *Manour* be carried to the Court, they in ancient times would arraign him upon the *Manour*, without any Appeal or Inditement. — *Si dicitur Servientes seu Balivi sui aliquem latronem pro aliquo furto ubicunque fuerit facto, cum Manno pere, infra feudum Domini sui predicti ceperint seu attach. & si ille latro feloniam illam coram quatuor villat. voluntarie cognoverit, tunc liceat dicitur Servientibus seu Balivis suis dicitur latronem decollare, & dicitur Dux, (Lanc.) tunc habebit omnia bona sua, &c. Plac. apud Cestriam, 31 Ed. 3. de Quo War. in Mancer de Halton. In *Old Nat. Br. fo. 110.* it is thus used, where a Man makes a thing by *Manour*, or levying or esloping, in such case he shall have Assise, where it signifies handy-labour, and is but an abbreviation of *Mainovery*.*

**Mainpernable**, **Bailable**. What Prisoners are *Mainpernable*, and what not. *Anno 3 Edw. 1. ca. 15. See Mainprise.*

**Paine porte**, Is a small tribute, (commonly of Loaves of Bread,) which in some places the Parishioners pay to the Rector of their Church, in recompence for certain Tythes. See *Waxhor. Vicaria de Wragby, (in Com. Linc.) consistit in toto Altaragio & in Ceragio, vulgariter dicitur. Warshot in panibus vulgariter dicitur. Manport, & in incremento denariorum. Sancti Petri, vulgariter dicitur. Firebarth. Spelman.*

**Mainprise**, (Manucapio,) of the Fr. *Main*, i. *Manus* & *Prins*, i. *Captus*,) Signifies the taking or receiving a Man into friendly custody, who otherwise is, or might be committed to Prison, upon security given for his forthcoming, at a day assigned. As to let one to *Mainprise*, (*Old Nat. Br. fo. 42.*) Is to commit him to those that undertake his appearance at the day appointed. And they, that thus undertake for any, are called *Mainperners*; because they receive him into their hands. *Pl. Cor. fo. 178.* Hence the word *Mainpernable*, that may be thus bailed; For in many cases a Man is not *Mainpernable*, whereof see *Brook, tit. Mainprise. And Fitz. Nat. Br. fo. 249.*

*Mauwood*, (in his 1 *Par. Fur. Lawr. pa. 167.*) makes a great difference between *Bayl* and *Mainprise*; For, he that is *Mainprised*, is already said to be at large, and to go at his own liberty, after the day he is set to *Mainprise*, until the day of his appearance; But, not so, where a Man is let to *Bayl* to four or two men, by the Lord Justice in Eyre of the Forest, or any other Judge, until a certain day; For, there he is always accounted by the Law to be in their ward and custody for the time; And they may, if they will, keep him in Prison all that time. So that, he that is *so bailed*, shall not be said by the Law, to be at large, or at his own liberty. Thus *Mauwood*.

*Mainprise* also is an undertaking in a summi certain: *Bail* answers the condemnation in Ci-

vil Causes, and in Criminals body for body. *Cottoni possibuna.*

When *Mainprises* may be granted, and when not, see *Cromptons Justice of P. fo. 126. and Britton, fol. 73.* The Author of the *Mirror of Justices* says, that Pledges are those that Bail or redeem any thing but the body of a Man, and *Mainperners* those, that free the body; That pledges therefore belong properly to real and mixt Actions, and *Mainperners* to personal. *lib. 3. ca. des Pledges & Mainperners. See 4 Inst. fo. 179.*

**Mainpwoon**, in the North, signifies as much as *Foriwoon*. *Brownl. Rep. 4. Hob. rep. 8.*

**Maintainor**, (*Anno 19 Hen. 7. ca. 14.*) Is he that maintains or seconds a Cause depending in Sute between others, either by disbursing Money, or making Friends for either party, towards his help.

**Maintenance**, (*Manutentia*) Signifies the upholding or maintaining a Cause or Person, either by Word, Writing, Countenance or Deed; Metaphorically taken from the suckering a young Child that learns to go by ones hand; and is used in the evil part. *Anno 32 Hen. 8. ca. 9.* When a Mans Act in this kind is by law accounted *Maintenance*, and when not. See *Brooke, tit. Maintenance and Kitchin, fo. 202.* There lies a Writ against a Man for this offence, called a *Writ of Maintenance*. See *Coke on Litt. fo. 369. b.*

**Maison dieu**, (Fr.) An Hospital, or Alms-house. See *Maison dieu*.

**Mate**, (*Ecerec*,) Signifies to perform or execute; as to make his Law, is to perform that Law, which he has formerly bound himself unto, that is, to clear himself of an Action commenced against him, by his Oath, and the Oathes of his Neighbors. *Old Nat. Br. fo. 267. Kitchin, fo. 192.* Which Law seems to be borrowed of the *Feudists*, who call those Men that swear for another in this Case, *Sacramentales*. The formal words used by him that makes his Law, are commonly these: *Hear, O ye Justices? that I do not owe this sum of Money demanded, neither all, nor any part thereof, in Manner and Form declared: So help me God, and the Contents of this Book. To make Services or Custom, is nothing else but to perform them. Old Nat. Br. fo. 14.*

**Malediction**, (*Maledictio*,) A Curse, which was of old usually annexed to Donations of Land, made to Churches and Religious Houses. — *Si quis autem (quod non optatum) habe nosram Donationem infringere temptaverit, peripsum sit gehenna glaciarii flentis & malignorum spirituum; & terribiles tormentorum cruciatus evasisse non queat, nisi prius in rigore penitentiae gemuerit, & pura emendatione emendaverit.* Carta Regis Athelstani Monast. de Wilton. *Anno 923.*

Again — *Et si quis filius caritatis habe jura mea conscriptam ininicali zelo corruptore defraudaverit, si non dubiter, a carnis vena me servientibus, duo nunc & sume & usque in sumptum*

ternum abdicatum & excommunicatum sine fine cruciandum, unde post mortem a lazaris raptus Minister, in profundam pestifera mortis inferni flammigeram concluditur in Domo, & ibidem in quadam ullam Vulcani, ligatus projicitur membrum, quae affluere bulliente pice repleta esse testatur; & a talibus frangentibus seu minuendis insperatissime, atrociterque, absque ulla misericordia sentitur; nisi hoc ante mortem, penitentie lamenentis emendaverit. Carta Eadredi Regis. Mon. Angl. 2 Bar. fo. 867.

Quod si forte post hac aliquis heredum meorum de his Elemosinis a prefata Ecclesia aliquid abstulerit, ex ore meo in conspectu Dei sit ille maledictus, & in tremendo iudicio, nisi resipuerit, condemnatus; Amen. Carta Roberti. Camerarii Comitum Richmundia, in Bibl. Cotton.

**Malefance**, (From the Fr. *Malfaire*, i. To offend, or transgress.) A doing of evil, a transgressing. Crokes Rep. 2 Par. fo. 266.

**Maletent**, or **Maletote**, (Fr. *Maletoste*,) (i. *Malum vel indebitum Telonium*,) In the Statute called the Confirmation of the Liberties, &c. Anno 25 Edw. 1. ca. 7. is interpreted to be a Toll of 40 s. for every sack of Wool. Spew in his *Annals* calls it a *Maletot*, fo. 461. See the Stat. de Tallagio non concedendo, Anno 35 ejusdem. Nothing from henceforth shall be taken of Sacks of Wool, by color of occasion of Maletent. In France they had an extraordinary Tax called *Maletoste*.

**Malin**. See *Malte*.

**Malveis procuroz**, in *Art. Super Chartas*, ca. 10. Is understood of such as use to pack Juries by nomination, or other practise or procurement. 2 Inst. fo. 361.

**Manbote**, (Sax. *Man-bot*,) A recompense for Homicide, or a compensation due to the Lord, for the slaughter of his Man or Vassal. *Manbote vero*, i. compensatio Domino persolvenda pro homine suo occiso. Anglorum lege Regi & Archiepiscopo tres Marcae de hominibus eorum propriis: sed Episcopo ejusdem Comitatus & Consuli & dapifero Regis viginti solidos, Baronibus autem aliis decem solidos, &c. Spel. de Concil. Vol. 1. fol. 622. See *Hoveden parte poster. annal.* fo. 344. & Boic.

**Manca**, (Charta Regis Eadgari Ecclef. Sancti Pauli, Anno 867. Indictione 15. cum lato digno pretio. i. lxx. Mancas in auro purissimo.) was a square piece of Gold, commonly valued at 30 pence; & *Maneus*, was as much, as a Mark of Silver. Notes upon *Canutus Leges*. (Id est, *Manucus*, Coyned with the hand.)

**Manicle**, (Maneys — A Clerk of the Kitchen, or Caterer.) An Officer anciently so called in the Inner-Temple now he is called Steward there; & still in Colledges, of whom *Jeffrey Chaucer*, our ancient Poet, and a Student in this House, thus

A Manicle there was in the Temple,  
Of which all Catours might taken  
(entemple.

**Mandamus**, Is a Writ that lay after the year and day, where, in the mean time, the

Writ called *Diem clausit extremum* had not been sent out to the Escheator. Fitz. Nat. Br. fo. 253. b. See *Diem clausit extremum*. *Mandamus* was also a charge to the Sheriff to take into the Kings hands, all the Lands and Tenements of the Kings Widow, who, against her Oath formerly given, Married without the Kings consent. Reg. fo. 295. b. See *Widow*.

**Mandatar**, (Mandatarius,) He, to whom a Commandement or Charge is given. Also he that comes to a Benefice by a *Mandamus*.

**Mandate**, (Mandatum,) Is a Commandement judicial of the King or his Justices, to have any thing done for the dispatch of Justice, whereof you may see diversity in the Table of the Register Judicial, on this word. The Bishops Mandat to the Sheriff, Anno 31 Eliz. ca. 9.

**Manentes**, Was anciently used for Tenancies, or Tenants. Concil. Synodal. apud Clouesfo. Anno 822. Also *Manfes*, or *Hides* of Land. Cressy's Ch. History, fo. 723.

**Manning**, (Manopera,) A dayes Work of a Man; in some ancient Deeds I have seen reserved so much Rent and so many Mannings.

**Manoz**, (Manerium a *Manendo*, of abiding there; because the Lord of it did usually reside there,) Est feodum nobile partim vassallis (quos Tenentes vocamus) ob certa servitia concessum; partim Domino in usum Familie sue, cum jurisdictione in vassallos, ob concessa predia reservatum. Quia vassallis conceduntur terras dicimus tenementales, quae domino reservantur dominicales. Totum vero feodum dominium appellatur, olim Baronia; unde Curia quae huc praest jurisdictioni hodie Curia Baronis nomen retinet.

Touching its original, There was antiently a certain compass of Ground, granted by the King to some Baron, or such like man of worth, for him and his heirs to dwell upon, and to exercise some jurisdiction, more or less, within that circuit, as he thought good to grant; performing him such services, and paying such yearly rent for the same, as he by his grant required; and, that afterward this great Man parcelled his Land to other meaner Men, enjoining them again such services and rents, as he thought good; and by that means, as he became Tenant to the King, so the inferiors became Tenants to him. See *Perkins Reservations*. 670. and *Horns Mirror of Justices*, lib. 1. ca. du Roy Alfred. In these dayes a Manor rather signifies the jurisdiction and Royalty incorporeal, than the Land or seite: For, a man may have a Manor in Gross, that is, the right and interest of a Court Baron, with the Perquisites, and another enjoy every foot of the land belonging to it. *Kitchin*, fo. 4. *Bracton*, lib. 5. TraB. 5. ca. 28. nu. 1. See *Fec*. A Manor may be compounded of divers things, as of a House, Arable Land, Pasture, Meadow, Wood, Rent, Advowzen, Court-baron, and such like. And this ought to be by long continuance of time, beyond mans memory; For, at this day, (as some hold) a Manor cannot be made, because a Court-Baron cannot be made, and a Mannor cannot

cannot be without a Court-Baron, and two suiters at least.

**Manppgarnon**. Will. Walcote tenet Manerium de Adington in Com. Surr. per servitium invenienti, ad Coronationem Regis, quoddam Potagium, vocat. **Manppgarnon**.

**Manston**, (Manho, a *Manendo*,) A dwelling house, a Country habitation; most commonly used for the Lords chief dwelling House within his Fee; otherwise called the Capital Messuage, or the chief Manor-place. See *Skene*, verbo, *Mansus*. The Latin word *Mansia*, in the Charter, granted by King Kenulphus to Ruchin, Abbot of Abingdon, and mentioned by Sir Edward Coke in his Report de Jure Regis Ecclesiastico, seems to signify a certain quantity of Land. *Hida vel Mansia*. Mat. Westm. in Anno 857. And in a Charter of Edw. Conf. it is written *Mansia*. v. Hist. of Pauls, fo. 189.

**Manfura** & **Manfura**, Arc used in Domesday and other ancient Records, for *Mansiones* vel *habitationes villicorum*; But in carta de Anno 1 Edw. 3. n. 3. we read — de tribus mansuris terrae in Wigornia — quare.

**Manfughter**, (Homicidium,) Is the unlawful killing a Man without prepened malice; as when two meet, and, upon some sudden occasion falling out, the one kills the other. It differs from Murder, because it is not done with foregoing malice; and, from *Chancemedley*, because it has a present intent to kill; and this is Felony, but admits Clergy for the first time. *Stamf. pl. Cor. lib. 1. ca. 9.* and *Britton*, ca. 9. It is confounded with Murder in the Stat. 28 Edw. 3. ca. 11.

**Manfus**, Anciently a Farm. *Seldens Hist. of Tythes*, pa. 62.

Hac Indentura testatur, quod Reginaldus Grey Dominus de Hastings, Weisford & de Rutbin tradidit Johanni Saunders — Mansum Manerii de Bedworth, &c. dat. 18 Hen. 6. Here *Mansum Manerii* is used for the Mannor House, or Mannor-Place. *Mansum* capitale dicitur de adibus Domini Manerii, quas autem vulgo nuncupant. *Mansum* or *Manfus* is sometimes confounded with *Mesugium*. *Spelman*.

**Manubrium**, The handle, or haft of a Sword or Dagger. — Jur. presentant quod A. de C. Aurifaber 2 Junii 2 Jac. apud S. praedict. quoddam Manubrium pugionis ferreum, Anglice dictum, A Dagger hilt of Iron, &c. Apud Maidston.

**Manucapto**, Is a Writ that lies for a Man, who, taken on suspicion of Felony, and offering sufficient Bayl for his appearance, cannot be admitted thereto by the Sheriff, or other having power to let to Mainprise. Fitz. Nat. Br. fo. 249. See *Mainprise*. How diversly it is used see the Table of Reg. of Writs. And *Prynns Animadversions*, fo. 268.

**Manuel**, (Manuelis,) That whereof present profit may be made, or that is employed or used by the hand. *Stamf. Prærog.* fol. 54. As such a thing in the Manuel occupation of one. i. Actually used, or employed by him.

**Manumission**, (Manumissio,) Is the freeing a Villain or Slave out of bondage. The form of this in the time of the Conqueror, Lamb. in his *Archai*, fo. 126. sets down in these words, Si quis velit servum suum liberum facere, tradat cum vicecomiti per manum dextram, in pleno comitatu, & quetum illum clamare debet a jugo servitutis sua per manumissionem, & ostendat ei liberas portas & vias, & tradat illi libera arma, scilicet lanceam & gladium, & deinde liber homo efficitur. Some also were manumitted by Charter. Vide *Brooke tit. Villenage*, fo. 305. Another way of Manumitting, was, for the Lord to take the Bondman by the Head, and say, I will that this Man be Free, and then shew him out of his hand. There was also *Manumission* imply'd, as when the Lord made an Obligation for payment of Money to the Bondman at a certain day, or freed him, where he might enter without Sure, or the like. See *Neiff*.

EDWARDUS Dei Gratia, Rex Anglia & Francie & Dominus Hibernie, Omnibus ad quos presentes Littere nostre pervenerint, Salutem. Sciatis quod nos ex gratia nostra speciali & ex merito motu nostro Manu insumus & ab omni jugo servitutis liberamus Johannem Dedwiche de Orleton in Com. Heref. Husbandman, & William Dedwiche de eadem Husbandman Nativos nostros de Manerium sive Dominio nostro de Orleton praedict. Cum omnibus bonis & castallis suis & tota eorum sequela & progenie de eorum corporibus procreatis sive procreandis. Ita quod nec Nos nec heredes nec Successores nec Assignati nostri aliquod iuris vel clamei ratione alicujus Villenagii in ejusdem Johanne & Williclmo seu de eorum progenie procreatis sive procreandis, seu de bonis & Castallis suis exigere vel vendicare poterimus in futuro, &c. In cuius rei testimon. has litteras nostras sub sigillo nostro Comitum nostra Marchia fieri fecimus Patentes. Dat. vicesimo die Mensis Aprilis anno regni nostri octavo. Ex ipso autographo penes Johan. Colman Gen. locus sigilli.



**Manupastus.** *Sape obvenit in forensi dia-*  
*leto, pro famulo & serviente Domestico.* Spelman. — *Erat culpabilis tanquam de Manupasto* (Manwood, cap. 16. n. 6.) i. He shall be culpable, as of a thing done by one of his family. *Gloss. in x. Scriptur.*

**Manutententia.** Is a Writ used in case of Maintenance. *Reg. of Writs, fol. 182. & 189. See Maintenance.*

**Manworth** (Sax. Manpyrth) The price or value of a Mans Life or Head; every Man, according to his degree, being rated at a certain price, according whereunto, satisfaction was, of old made to his Lord, for the killing him.

**Marches** (Marchia) Are the Bounds and Limits between us and Wales, or between us and Scotland. *Anno 24 Hen. 3. cap. 9.* Which last are divided into West and Middle Marches. *Anno 4 Hen. 5. cap. 7. and 22 Edw. 4. cap. 8.* The word is used in the Statute 24 Hen. 8. cap. 12. generally, for the Precincts of the Kings Dominions; and may be derived from the Sax. *Meapc, i. Signum, nota, Character.*

**Marchers.** Were the Noblemen that lived on the Marches of Wales or Scotland, who in times past (according to Camden) had their private Laws, like Petty Kings, which are now abolished by the Statute 27 Hen. 8. cap. 26. Of these Marchers, you may read *Anno 2 Hen. 4. cap. 8. — 26 Hen. 8. cap. 6. and 1 Edw. 6. cap. 10.* where they are called Lord Marchers. See also 1 & 2 Ph. & Ma. cap. 15.

**Marchet** (Marchetum) *Consuetudo pecuniaria in Mancipiorum filibus maritandis.* Bract. lib. 2. tit. 1. cap. 8. num. 2. *Merchetum vero pro filia dare non competit libero homini.* Extenta *Mannerii de Wivenho, 13 Dec. 40 Edw. 3. & alia 13 Edw. 3. Anno Dom. 1230. Rich. Burr tenet unum Mesuagium — Et debet Tallagium, Scilicet Curia & Marchet hoc modo, quod si maritare voluerit filiam suam cum quodam libero homine extra villam, faciet pacem Domini pro maritagio, & si eam maritaverit alicui Custumario Ville, nil dabit pro maritagio.* This Custom is in divers parts of England and Wales, as also in Scotland, and the Isle of Gernsey. See Spelman, at large on it. Sir Edward Coke on Littl. fol. 140. says it is called *Marchet*, as it were a Chete or Fine for Marriage. By the Custom of the Manor of Denever, in the County of Carmarthen (whereof Sir Edw. Rice is Lord) every Tenant at the marriage of his Daughter, pays x s. to the Lord, which in the British Language is called *Swabz Werched, i. A Maids Fee.* See Meiden Rents and Gwabri-werched.

**Marchal** (Marchallus) from the Germ. **Marchalk,** i. *Equitum Magister*) With us there are divers Officers of this name, the chief is the Earl Marshal of England, mentioned *Anno 1 Hen. 4. cap. 7.* and in divers other Statutes; his Office consists especially in matters of War and Arms, as well with us, as in other Countreys; as you may read in *Lupanus de Magistratibus Francie, lib. 1. cap. Marchal-lus.*

The next is, the Marshal of the Kings House, whose special authority is (according to Britton) in the Kings place, to hear and determine all Pleas of the Crown, and Sutes between those of the Kings House, and others within the Verge, and to punish faults committed within the Verge, &c. *Crompt. Jurisd. fol. 102. Anno 18 Edw. 3. stat. 2. cap. 7. and other Statutes.* See more of this Office in *Fleta, lib. 2. cap. 4.*

There are other Inferior Officers of this name, as Marshal of the Justices in Eyr. *Anno 3 Edw. 1. cap. 19. Marshal of the Kings Bench (Anno 5 Edw. 3. cap. 8.)* Who hath the custody of the Prison, called the Kings Bench, in Southwark. I finde also in *Fleta, lib. 2. cap. 15.* mention of a Marshal of the Kings Hall. There is also a Marshal of the Exchequer, *Anno 51 Hen. 3. stat. 5.* to whom the Court commits the custody of the Kings Debtors, for securing the Debts. He also assigns Sheriffs, Customers, and Collectors, their Auditors, before whom they shall account.

**Marchallie** (Marchallia) Is the Court or Seat of the Marshal; also used for the Prison in Southwark, so called; the reason whereof may be, because the Marshal of the Kings House, was wont perhaps to sit there in Judgment, or keep His Prison. See the Stat. 9 Rich. 2. cap. 5. And 2 Hen. 4. cap. 23.

**Marriage** (Maritajum) Signifies not onely the lawful joining of Man and Wife, but also the interest of bestowing a Ward, or a Widow in marriage. *Mag. Char. cap. 6.* And it signifies Land given in marriage. *Bracton, lib. 2. cap. 34. & 39.* See also Skene on the word *Maritajum*, which (according to *Glanvil, lib. 7. cap. 1.*) is that portion which the Husband receives with his Wife. See Dower.

**Maritagio amisso per defaultam.** Is a Writ for the Tenant in Frank-marriage, to recover Lands, &c. whereof he is deforced by another. *Reg. fol. 171.*

**Maritagio forisfacto.** See *Forisfactura Maritajii.*

**Mark** (Merca, from the Sax. Meapc. i. Signum) In ancient time I finde a Mark of Gold was eight ounces. *Stowes Annals, pag. 32.* A Mark of Silver is now well known to be 13 s 4 d. *Char. Reg. Joh. de dote B. Reginae (quondam ux. R. Ricardi. Paten. 3. Joh. m. 17. n. 32.) Assignavimus ei pro dote sua mille marcas argenti annuatim, 13 s, 4 d. computatis pro Marca.*

**Marketzeld** (Rechts Marketzeld) — *Et valent per an. le Streteward & le Marketzeld xviii s & ob. in omni terra pertinet ad Honorem de Haulton. Ex Cod. M. S. in Bibl. Cornuana.* It signifies Toll of the Market. The word *Zeld* importing a payment. I finde it elsewhere written **Marketzgald.** *Plac. apud Cestrium 31 Edw. 3.*

**Mark-peny.** Was one penny paid at Malduw, by those who had Pipes or Gutters laid, or made out of their Houses into the Streets. *Hill. 15 Edw. 1. Mr. Philips of Furnelege.*

**Market** (Mercatus) Comes from the Fr. *Marché, i. Emporium, forum nundinarium,* and signifies

signifies the same thing with us; as also the Liberty or Privilege whereby a Town is enabled to keep a Market. *Old Nat. Br. fol. 149.* So *Bracton* uses it, *Lib. 2. cap. 24. num. 6. & lib. 4. cap. 46.* where he shews, that one Market ought to be distant from another, *Sex leucas & dimidium & tertiam partem dimidia.* By Stat. 27 Hen. 6. cap. 5. no Fair nor Market is to be kept upon any Sunday, nor upon the Feasts of the Ascension of our Lord, Corpus Christi, the Assumption of our Blessed Lady; All Saints, nor Good Friday; except for necessary victual, and in the time of Harvest.

**Marle** (Marla) Is a kinde of Earth or Mineral, which Men, in divers parts of this Realm, cast upon their Land, to make it more fertile. It is otherwise called *Malin.* *Anno 17 Edw. 4. cap. 4.*

**Marlerium** or **Marletum**, A Marlepit. *Sciunt — quod ego Rogerus la Zouche dedi- Henrico de Hugesfuit & heredibus suis, &c. — Et quod habeant omnem libertatem & liberam communitatem in boschis, in planis, in vis, in semitis, in aquis, in molendinis, in bruaris, in turbaris, in quarver, in piscar. in Marletis, & in omnibus aliis locis & ajsamentis ad predictum Manerium de Tonge spectant. — Et quod capiant Marlam pro voluntate sua ad terram suam marlend. — Reddendo inde annuatim mihi & heredibus meis unum capellum Rosarum die Nativitatis S. Jo. Baptiste, si in villa de Tonge fuerimus, si non ponatur super imaginem Beate Marie in Ecclesia de Tonge, pro omnibus servitiis — Sine dat. penes Wil. Dugdale Arm.* And in another Deed xx. *Acras terre Marlatae, Marled Lands.*

**Marque** (from the Sax. Meapc. i. Signum) Signifies in our ancient Statutes as much as *Reprisals*; as *Anno 4 Hen. 5. cap. 7.* *Marques* and *Reprisals* are used as Synonima, and Letters of Marque in the same signification. See *Reprisals.*

**Marquis** or **Marquess** (Marchio, qui regionis limitem incolit) Is a Title of Honor, next before an Earl, and next after a Duke. *Marchiones Wallia, viz. Rogerus de Mortuo-mari, Jacobus de Audeley, Rogerius de Clifford, Rogerius de Leyburn, Hamo Extrancus & ille de Turberville, cum pluribus aliis, qui de bello predicto de Lewes nuper fuerunt, &c. Mat. Westm. in Anno 1264. pag. 225.*

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**Marshall** See *Marchal.*  
**Marshall Law.** Is the Law that depends upon the just and arbitrary power, and pleasure of the King, or His Lieutenant in time of Wars, For, though the King does not, in time of Peace, make any Laws, but by consent of the Three Estates in Parliament; yet in Wars, by reason of the great dangers rising from small occasions, he useth absolute power, in so much, as His word goes for Law. *Smith de Repub. Angl. lib. 2. cap. 3. See Laws of Arms.*

**Maist** (Glans, Pessona) *Glandis nomine continentur glans castanea, faginx, ficus & nucis,*

*& alia quaeque quae ad pasci poterunt praeherbam.* *Bracton, lib. 4. 226. See Pessona.*

**Master of the Rolls** (*Magister Rotularum*) Is an assistant to the Lord Chancellor of England, in the High Court of Chancery, and in his absence hearth Causes there, and gives Orders. *Crompt. Jur. fol. 41.* His title in his Patent is, *Clavicus parva bagae, Custos Rotularum;* as also, *Domus Conversorum.* Because the place where the Rolls of Chancery are now kept, was anciently the House for Habitation of those Jews who were converted to Christianity. But his Office hath that title from the late keeping of the Rolls, of all Patents and Grants that pass the Great Seal, and of all Records of the Court of Chancery, &c. He is called *Clerk of the Rolls,* *Anno 12 Rich. 2. cap. 2.* And in *Forrester, cap. 24.* And no where *Master of the Rolls* until 11 Hen. 7. cap. 20. And yet cap. 25. *Ejusdem,* he is also called *Clerk.* In which respect Sir *Tho. Smith, lib. 2. cap. 10.* says, He may not unfaily be called *Custos Archivorum.* He hath the bestowing of the Offices of the Six Clerks, the Clerks of the Pettibag, Examiners of the Court, and the Clerks of the Chappel. *Anno 14 & 15 Hen. 8. cap. 1. See Roll.*

**Master of the Mint** (*Anno 2 Hen. 6. cap. 14.*) Is now called the *Warden of the Mint*, whose Office is to receive the Silver of the Goldsmiths, and to pay them for it, and to oversee all the rest belonging to his Function.

**Master of the Court of Wards and Liberties.** Was the chief Officer of that Court, named and assigned by the King; to whose custody, the Seal of the Court was committed, &c. *Anno 33 Hen. 8. cap. 33.* But this Court, with the Officers, and Appurtenances thereof, is abolished by 12 Car. 2. cap. 24.

**Master of the Horse.** Is he that hath the Rule and Charge of the Kings Stable, being an Office of high account, and always bestowed upon some Nobleman of great merit, and is mentioned *Anno 39 Eliz. cap. 7. and 1 Edw. 6. cap. 5.* This Officer under the Emperors of Rome, was called *Comes sacri Stabuli.*

**Master of the Posts.** Was an Officer of the Kings Court, who had the appointing, placing, and displacing of all such thorough England, as provided Post-horses for the speedy passing of the Kings Messagers, Letters, Pacquets, and other business; and is mentioned *Anno 2 Edw. 6. cap. 3.* But now by Statute 12 Car. 2. cap. 34. One General Letter Office or Post Office is settled in London; the Master of which Office, is appointed by the King, by Letters Patent, with Rates and Rules prescribed in the said Act, for carrying Subjects Letters.

**Master of the Armoury.** Is he that hath the care and over-sight of His Majesties Armour, and mentioned 39 Eliz. cap. 7.

**Master of the Jewel House.** Is an Officer in the Kings Household, of great credit, having charge of all Plate used for the King or Queens Table, or any great Officer in Court; and of all Plate remaining in the Tower of London, of Chains.





**Mese**, (from the Gr. *Mesov. i. Medium*.) of Herrings is 500, the half of a thousand.

**Mesne** or **Mesne**, (*Medius*, Fr. *Maisne*.) Signifies him, that is Lord of a Mannor, and has Tenants holding of him, yet holds himself of a superior Lord: and therefore it seems to be properly derived from the Fr. *Maisne. i. Minor natus*; because his Tenure is derived from another, from whom he holds.

**Mesn** also signifies a Writ, which lies where there is Lord, **Mesn** and **Tenant**; the Tenant holding of the **Mesn**, by the same services, whereby the **Mesn** holdeth of the Lord, and the Tenant of the **Mesn** is distrained by the superior Lord, for that his Service or Rent, which is due to the **Mesn**. *Fitz. Nat. Br. fo. 135. See 13 Edw. 1. ca. 9.*

**Mesnaty**, (*Medietas*, Fr. *Maisne. i. Youngership*.) Signifies the right, or condition of the **Mesn**; as, the **Mesnaty** is extinct. *Old. Nat. Br. fo. 44. and Kitchin, fo. 147. Medietate tenentur feuda, quando aliqua persona interveniret inter Dominum & tenentes, Et hoc modo tenent omnes postnati, mediante ante nato. Customary of Normandy.*

**Mesarius**, A Mower, or Harvester. *Fleta, lib. 2. ca. 75.*

**Messenger of the Erchequer**, Is an Officer, of which forth there are four in that Court, who are Pursuivants attending the Lord Treasurer, to carry his Letters and Precepts. See *Pursuivant*.

**Messuage**, (*Messuagium*.) A dwelling House, (*Honestius est habitaculum cum aliquo fundi adjacentis in ejusdem usum deputati.*) But, by that name may also pass a Curtilage, a Garden, an Orchard, a Dovehouse, a Shop, a Mill, a Cottage, a Toft, as parcel of a **Messuage**. *Bracton, lib. 5. ca. 28. Plowden, fo. 199. 170. yet they may be demanded by their single names. Messuagium in Scotland signifies, (according to Skene,) the principal House, or dwelling place within a Mannor, which we call the Mannor-house, and some, the Scite. A *Præcipe* lies not de Domo, but de Messuagio, Coke on Litt. ca. 8.*

**Messito, onis**. Mesline, Muncorne, Wheat and Rie mingled together. — *nonam garbanc frumentis, messilonis, siliginis & omnis generis bladi. Pat. 1 Edw. 3. Par. 1. m. 6.*

**Metegabel**, (*Sax.*) Cibarium veligal, A Tribute, or Rent paid in Victuals; a thing usual of old, as well with the Kings Tenants, as others, till Henry the Firsts time, who chang'd it into Money. *Sax. Dist.*

**Methglin**, (*British, Meddiglin.*) A kind of Drink made of Wort, Herbs, Spice and Honey boyld together, most used in Wales; mentioned in the Act for Excise, 15 Car. 2. ca. 9.

**Michis**, — A sort of white loaves, paid as a Rent in some Mannors. *Extenta de Wivenho, in dorso, Will. Lambe. — Capient de prædicto Priore pro qualibet Waya cirporum tres albos panes, vocatos Michis, & nigrum panem & alia cibaria.*

**Mildernit**, (*Anno 1 Jac. ca. 24.*) A kind of Canvas, whereof Sail-Clothes, and other furniture for Ships are made.

**Mile**, (*Miliare.*) Is the distance of one thousand paces, otherwise described to contain eight furlongs, and every Furlong to contain forty Lugs or Poles, and every Pole 16 foot and a half. *Anno 35 Eliz. ca. 6.*

**Militia**, (*Lat.*) The Implements and Furniture for Warr, mentioned 15 Car. 2. ca. 2.

**Milleate**, (*Anno 7 Jac. ca. 19.*) A trench to convey water to or from a Mill: *Rebus, a Mill-leat*. An unusual Word in Conveyances in Devonshire.

**Mineral Courts**, (*Curia minerales.*) Are particular Courts for regulating the Affairs of Lead Mines, as *Stannery Courts* are for *Yn*.

**Miniments**, or **Muniments**, (*Munimenta*, from *Munio*, to defend.) Are the Evidences or Writings, whereby a man is enabled to defend the title of his Estate. *An. 5. Rich. 2. ca. 8. and 35 Hen. 6. fo. 37. b. Wangford* says this word **Muniment** includes all manner of Evidences. See **Muniment House**.

**Ministri Regis**, Extend to the Judges of the Realm, as well as to those that have Ministerial Offices. *2 Inst. fo. 208.*

**Minoberp**, (*Anno 7 R. 2. ca. 4.*) Seems to be compounded of the French *Main. i. Manus* and *Ouvrer. i. Operari*; and to signifie some trespass or offence committed by a Mans handy work in the Forest; as an Engin to catch Deer. *Briton. (ca. 40.)* uses the verb *Meinoverer*, to manure Lands; and *ca. 62. Main-ovre*, for handy work.

**Minstrell**, (*Minstrellus & Menestrellus*, from the French *Menestrel*.) A Fidler or Piper; mentioned 4 Hen. 4. ca. 27. *Lit. Pat. 24 April 9 Edw. 4. — Quod Mariscalli & Minstrelli predicti per se forent & esse deberent unum Corpus & una Communitas perpetua, &c.* Upon a *Leu warrant* 14 Hen. 7. *Laurentius Dominus de Dutton clamat, quod omnes Minstrelli infra Civitatem Cestrie & infra Cestriam manentes, vel officia ibidem exercentes debent convenire coram ipso vel Senescallo suo apud Cestriam, ad Festum Nativitatis S. Johannis Baptiste annuatim, & dabunt sibi ad dictum Festum quatuor Lagenas vini & unam Lameam; & in super quilibet eorum dabit sibi quatuor denarios & unum obolum ad dictum Festum, & habere de qualibet Meretrice infra Comitatum Cestrie, & infra Cestriam manente, & Officium suum exercente quatuor Denarios per annum ad Festum prædictum, &c.* See *King of the Minstrels*.

**Mint**, Is the place where the Kings Coin is formed, be it Gold or Silver, which now is, and long has been the Tower of London: Though it appear by divers Statutes, that in ancient times the Mint has also been at *Caless*, and other places. *Anno 21 R. 2. ca. 16. and 9 Hen. 5. Stat. 5. ca. 5.* The particular Officers belonging to the Mint, see in *Cowels Interpreter*, verbo, *Mint*.

**Minute tythes**, (*Minuta sive minores decimæ*.) Small Tythes, such as usually belong to the

the Vicar, as of Herbs, Seeds, Eggs, Honey, Wax, &c. See 2 Part *Inst. fo. 649.* and *Udal & Tindals case. Hill. 22 Jac.* where the tyth of Wood was adjudged to be *minuta decima*. 3 Part *Crokes Rep. fo. 21. See Tythes.*

**Misadventure**, or **Misadventure**, (*Fr. Mesaventure, i. Infortunium*.) Has an especial signification for the killing a man, partly by negligence, and partly by chance. As if one, thinking no harm, carelessly throws a stone, or shoots an Arrow, wherewith he kills another. In this case he commits not Felony, but onely loseth his goods, and has a Pardon of course for his life. *Stam. Pl. Cor. lib. 1. ca. 8. Britton, ca. 7.* distinguishes between *Aventure* and *Misaventure*; The first he makes to be meer chance, as if a Man, being upon, or near the Water, be taken with some sudden sickness, and so fall in, and is drowned, or into the fire, and is burnt. *Misaventure* he says is, where a man comes to his death by some outward violence, as the fall of a Tree, the running of a Cart-wheel, the stroke of a Horse, or such like. So that *Misadventure* in *Stamfords* opinion, is construed somewhat more largely then *Britton* understands it.

*West. part 2. Symbol. tit. Inditement. Sect. 48, & 49.* makes *Homicide casual* to be, meerly casual, or mixt. *Homicide* by meer chance, he defines to be, when a man is slain by meer fortune, against the mind of the killer, as if one hewing, the Axe flies off the haft and kills a man; And this is all one with *Brittons Misaventure*. *Homicide by chance mixt*, he defines (*Sect. 50.*) to be, when the killers ignorance or negligence is joyned with the chance; as if a man lop Trees by a high-way side, in which many usually travel, and cast down a Bough, not giving warning, &c. by which Bough a man is slain.

**Miscognizant**, Ignorant or not knowing. In the Stat. 32 Hen. 8. ca. 9. against Champertie and Maintenance; It is ordained that the Justices of Assise shall twice in the year in every County cause open Proclamation to be made of this present Act, and of every thing therein contained, &c. to the intent, that no person should be ignorant or miscognizant of the dangers and penalties therein contained.

**Miscontinuance**, (*Kitchin, fo. 231.*) the same with *Discontinuance*, which see.

**Mise**, (A French word, signifying expence, or disbursement: sometimes written *Missum* in Lat. and sometimes *Misa*.) has divers significations; first, it is a kind of honourable gift, or customary present, with which the People of Wales are wont to salute every new King and Prince of Wales, at their entrance into that Principality. It was anciently given in Cattel, Wine and Corn, for sustentation of the Princes Family; but, when that Dominion was annexed to the English Crown, the Gift was changed into Money, and the Summ is 5000 l. Sterling, or More; and it hapned to be thrice paid in King James's Reign, First, at his own coming

to the Crown, and that Principality. Secondly, when Prince Henry was created Prince of Wales. And Thirdly, When King Charles the First succeeded him in that Principality.

*Anno 27 Hen. 8. ca. 26.* it is ordained, That Lords Bishops shall have all such Mises and profits of their Lands, as they have had in times past, &c. *Misæ etiam dicuntur præstationes illæ quas ob fruendas pristinas immunitates Cestrie Palatinatus subditi novo cuique Comiti impendunt, i. 3000 Marks for that County.*

Sometimes *Mises* are taken for Taxes, or Tallages. *Anno 25 Edw. 1. ca. 5.* Sometimes for Costs or Expences, as *pro misis & custagiis*, for Costs and Charges in the Entries of judgments in personal Actions.

*Mise* is also a word of Art, appropriated to a Writ of right, so called, because both parties have put themselves upon the meer right, to be tried by the grand Assise, or by Battel; so as that which in all other Actions is called an *Issue*, in a Writ of Right in that case is called a *Mise*. But, in a Writ of Right, if a collateral point be tryed, there it is called an *Issue*; and is derived from *missum*, because the whole cause is put upon this point. *Coke on Litt. fol. 294. b. Anno 37 Ed. 3. ca. 16. To joyn the Mise upon the Meer*, is as much as to say, to joyn the *Mise* upon the cleer right, and that more plainly, to joyn upon this point, whether has the more right, the Tenant or Demandant.

*Mise* is sometimes used as a Participle, for cast or put upon. *Cokes 6 Rep. Saffins Case*; and sometimes corruptly for *Messe*, a Messuage, or Tenement: As a *Mise-place* in some Mannors is taken to be such a Messuage or Tenement as answers the Lord a Herriot at the death of its owner. *2 Inst. fo. 528.* which, in our French, is written *Mees*. *Ceste Endenture temoigne que come Will. Tervye de Dounham tiegne de Johan de Veer Comite d'Oxford un Mees & svs acres de terre, &c. dat. 14 Ed. 3. penes Wil. Andrew, Baronet.*

**Miserere**, Is the name and first word of one of the Penitential Psalmes, most commonly that which the Ordinary gives to such guilty Malefactors, as have the benefit of the Clergy allowed by Law; and it is usually called the *Psalm of mercy*.

**Misericordia**, Is used for an Arbitrary Amerciament or Punishment imposed on any Person for an offence. For where the Plaintiff or Defendant in any Action is amerced, the Entry is always — *Ideo in misericordia, &c.* And it is called *Misericordia* (as *Fitzherbert* says, *Nat. Br. fol. 75.*) for that it ought to be but small, and less then the offence, according to the tenor of *Magna Charta, cap. 14.* Therefore, if a Man be unreasonably amerced in a Court, not of Record, as in a Court Baron, &c. there is a Writ called *Moderata Misericordia* directed to the Lord, or his Bailiff, commanding them, that they take *Moderate Amerciamenti*, according to the quality of the fault. *Est enim misericordia Domini Regis* (says *Glanville*)

**Glanville**) quā quis per iuramentum legalium hominum de viceneto, eatenus amercandus est, ne aliquid de suo honorabili contentamento amittat. And again, Multa lenior sic dicitur, quod lenissima imponitur misericordia; graves enim multas Fines vocant, atrocissimas, Redemptions. See *Glanv.* pag. 75. a. And see *Moderata Misericordia*. — **The Wall be in the great Mercy of the King.** *Wolm.* 1. cap. 15.

**Misfeasans**, Misdoings or Trespasses. — *Fury to enquire of all Purprestures & Misfeasans.* 2 *Parl. Croke*, fol. 498. And *Misfeasur*, a Trespasser. 2 *Inst.* fol. 200.

**Misfethering**, Est de esre quit de amerciemenz pur quevels en aucun Courts devant qui il seyt, nent ordinament ou proprement demonstre. *MS. LL. Temp. E. 2.* See *Abisfethering* and *Miskering*.

**Miskening** (*Meskenninga*, *LL. Hen. 1.* cap. 12.) Iniqua vel injusta in jus vocatio; inconstanter liqui in Curia, vel invariare. — *Renovamus etiam & confirmamus Privilegia antiquorum Regum, atque ob reverentiam Dominae nostrae perpetuae Virginis Mariae Sanctaeque Benedictae, Sanctarumque virginum, omnibusque futuris ibidem Abbatibus in tota possessione Monasterii, Sacham & Socham Theloncumque suum in terra & in aqua concedo, & Consuetudines, ut ab omnibus apertius & plenius intelligantur, Anglice scriptas, scilicet, Mumbziche, Feardwoite, Fittwoite, Blodewite, Witzeninge, Fritthoke, Hamsockie, Foztall, Fozpbanche, Theitpbanche, Wangwoite, Fritthziche, Wtlepe, Infongen-thepe, Supbziche, Tol & Tem, aliasque omnes leges & Consuetudines quae ad me pertinent, tam plene & tam libere, sicut eas in manu mea habebam.* Confirm. *Fundationis Monast. de Ramsey* per S. Edw. Conf. *Mon. Angl.* 1 par. fo. 237.

**Miskering**, Hoc est quietus pro querele coram quibuscumque in transumptione probata. *MS. LL. Rob. Cot. pa. 262.* See *Misfethering*.

**Misnomer**, (compounded of the Fr. *Mes*, which in composition always signifies amiss, and *nomer*, i. nominare,) the using one name for another, a mis-termining, or mis-naming.

**Misprision**, (Fr. *Mespris*, i. contempt, or neglect,) Signifies a neglect, negligence, or oversight; as *Misprision of Treason*, or *Felony* is a neglect, or light account made of Treason or Felony committed, by not revealing it, when we know of it. *Stam. pl. Cor. lib. 1. cap. 19.* or by suffering any person, committed for Treason or Felony, or suspicion of either, to go before he be indicted.

*Misprision of Clerks*, (*Anno 8 Hen. 6. ca. 15.*) Is a neglect of Clerks, in writing or keeping Records. By *misprision* of Clerks no Proccs shall be adnulled or discontinued. 14 *Edw. 3. ca. 6. Stat. 1.* For *Misprision of Treason*, the offenders are to suffer imprisonment during the Kings pleasure, lose their Goods and the Profits of their Lands during their lives. *Misprision of Felony* is onely Finable by the Justices, before whom the party is attained. *Crompt. J. of*

*Peace*, fo. 40. Other faults may be accounted *Misprisions* of Treason, or Felony, because latter Statutes have inflicted that punishment upon them, whereof you have an example, *Anno 14 Eliz. ca. 3.* of such as Coyn torrain Coyens, not currant in this Realm, and their Procurers, Aiders and Abettors. *Misprision* also signifies a mistaking, *Anno 14 Ed. 3. Stat. 1. ca. 6. v. 3. Inst. fo. 36.* and 139.

**Mistrial**, A false or erroneous Trial. *Crokes Rep. 3 Part. fo. 284. Delves Case.*

**Misuser**, Is an abuse of liberty, or benefit; As, *He shall make Fine for his Misuser.* *Old. Nat. Br. fo. 149.*

**Mitta**, (*Sax.*) *Mensura decem modiorum.* *MS. In Wich. salina redd. 30 mittas salis.* *Domesday*, tit. *Wine. scire. Ego Wultrun, (uxor Anketelli) Singulis annis vita mea ad Festum S. Benedicti, quod est in astate, decem mittas de brasio & quinque de gruto & quinque mittas farinae triticeae & 8 pernas & 16 cascos & duas vacas pingues de terra mea Wicheling pro respectu annuo eidem Ecclesiae, (Kamescenti) procurari decerno.* *Lib. Rames. Sect. 38.* — *Praterca concessi eis septem Mittas Salis quolibet anno percipiendas apud Witz.* *Mon. Angl. 2 Par. 10. 262. b.*

**Mittendo manuscriptum pedis Finis**, Is a Writ Judicial, directed to the Treasurer and Chamberlains of the Exchequer, to search and transmit the foot of a Fine, acknowledged before Justices in Eyre, into the Common-Pleas, &c. *Reg. of Writs*, fo. 14.

**Mittimus**, Is a Writ by which Records are transmitted from one Court to another, as appears by the Stat. of 5 *Rich. 2. ca. 15.* as out of the Kings Bench into the Exchequer; And sometimes by a *Certiorari* into the Chancery, and from thence by a *Mittimus* into another Court, as you may see in 28 *Hen. 8. Dyer*, fo. 29. and 29 *Hen. 8. Dyer*, fo. 32. *Mittimus* also signifies the Precept that is directed by a Justice of Peace to a Jaylor, for the receiving and safe keeping a Felon, or other Offender, committed by the said Justice. See *Table of Reg. of Writs*, for other uses and applications of this Word.

**Mixt tithe**, (*decima mixta*,) Are those of Cheefe, Milk, &c. and of the young of beasts. See *Cokes 2 Part Inst. fo. 649.* and see *Tithe*.

**Mochadoes**, (*Anno 23 Eliz. ca. 9.*) A kind of Stuff made in England, and elsewhere.

**Moderata misericordia**, Is a Writ that lies for him who is amerced in a Court-Baron, or other Court not of Record, for any transgression or offence beyond the quality of the fault. It is directed to the Lord of the Court or his Bailiff, commanding them to take a moderate Amercement of the party, and is founded upon *Magna Charta*, ca. 14. *Quid nullus liber homo amercietur, nisi secundum qualitatem delicti*, &c. The rest touching this Writ see in *Fitz. Nat. Br. fo. 75.* See *Misericordia*.

**Modo & forma**, Are words of art in pleadings, namely in the Answer of the Defendant, whereby he denies to have done the thing laid to

to his charge, *modo & forma declarata.* *Kitchin*, fo. 232. The Civilians in like case, say, *Negat allegata, prout allegantur, esse vera.* Where *modo & forma* are of the substance of the Issue, and where but words of course, see *Coke on Litt. fo. 281. b.*

**Modus decimandi**, Is either, when Land, or a yearly Pension, sum of Money, or other profit belong to the Parson, Vicar, &c. by composition or Custom, in satisfaction of Tithes in kind. *MS. penes Auth.* See 2 *Inst. fo. 490.*

**Molendinum bladonicum**, A Corn-mill; for which in ancient Charters we also find *Molendinum bladum* & *molendinum de blado*. So a *Fulling-mill* is thus variously Latin'd in Records, *Molendinum fullanicum*, *Mol. fullanicum*, *Mol. Fullere*, *Mol. Fullarium* & *Mol de Fullere*.

A Windmill, *Molendinum ad ventum*, & *venti*; *Molendinum ventriticum*, & *ventricum*.

A Water-mill, *Molendinum aquaticum* & *aquatilium*.

A Horfe-mill, *Molendinum Equitium*.

A Grinding, or Grist-Mill, *Molendinum molare. Ex Cartis & Record. in Mon. Angl.*

**Molman**, *Prior. Lewens. pa. 21.* — omnis Lanceta, omnis Tofiman & omnis Molman (qui non sedet super Ogeland) debent spargere unam reiam de fiens, &c. i. Unam strigam vel tractum stercore, a reu of much.

**Molasses**, (*Anno 12 Car. 2. ca. 25.*) Is the refuse Sirrop in the boiling of Sugar; with which (by the said Statute) Wine is prohibited to be mingled, or adulterated.

**Monetarium**, *Jus & artificium cudendi monetas.*

**Moniers**, or **Monepors**, (*Monetarii*) Ministers of the Mint, which make Coin, and deliver out the Kings Moneys. *Anno 25 Edw. 3. ca. 20. Reg. of Writs*, fo. 262. It appears that in ancient time our Kings of England had Mints in most of the Counties of this Realm; and in the *Traite of the Exchequer*, written by *Ockham*, we find, that, whereas Sheriffs ordinarily were ty'd to pay into the Exchequer the Kings Sterling-Money, for such Debts, as they were to answer, they of *Northumberland* and *Cumberland* were at liberty to pay in any sort of Money, so it were Silver; and the reason is there given, because those two Shires, *Monetarios de antiqua institutione non habent.* *Moneyers* are now also taken for Banquers, or those that make it their Trade to turn and return money.

**Monger**, Seems to be a little Sea-vessel, which Fishermen use, *Anno 13 Eliz. ca. 11.*

**Monopoly**, (from the Gr. *Monos*, unus & *Polos*, vendo,) Is an Institution, or allowance of the King by his Grant, Commission, or otherwise to any person or persons, of, or for the sole buying, selling, making, working, or using of any thing, whereby any person or persons are restrained of any freedom or liberty

that they had before, or hindred in their lawful Trade; which is dec'red illegal by 21 *Jac. ca. 3.* Except in some particular cases, which see in 3 *Inst. fo. 181.*

**Monstrans de droit**, (i. Shewing of ones right) Signifies a writ issuing out of the Chancery to be restored to Lands or Tenements, that indeed are mine in right, though, by some Office, found to be in possession of one lately dead. See *Stamf. Prar. ca. 21.* at large, and *Cokes Rep. lib. 4. fo. 54. Wardens of the Sadlers Case.*

**Monstraberunt**, Is a Writ that lies for Tenants that hold freely by Charter in ancient Demaine, being distrained for the payment of any Toll or Imposition, contrary to the liberty, which they do, or should enjoy. *Fitz. Nat. Br. fo. 14.*

**Month**, or **Moneth**, (*Sax. Monath*,) Shall be understood to consist of 28 days. See *Coke*, lib. 6. fo. 61. b. And see *Kalendar-moneth*.

**Moot**, (from the Sax. *Moctian*, to treat, or handle) Is well understood at the Inns of Court, to be that exercise, or arguing of Cases, which young Barristers and Students perform, at certain times, for the better enabling them for practise, and defence of Clients Causes. The place where *Moot-cases* were argued, was anciently called a *Moot-hall*, from the Sax. *Mopeal*. In the Inns of Court there is a *Bailiff*, or *Surveyor of the Moots*, who is yearly chosen by the Bench, to appoint the *Mootmen* for the Inns of Chancery, and to keep account of performance of Exercises both there and in the House. See *Orig. Juridicales*, fo. 212.

**Mootmen**, Are those that argue Readers Cases, (called also *Moot-cases*) in the Houses of Chancery, both in Terms and in Vacations. *Cokes Rep. 3 Part in Proamio.*

**Mozatur**, or **Demozatur in Lege**, Signifies as much as he *Demurs*; because the Party goes not forward in pleading, but rests or abides upon the Judgment of the Court in the point, who deliberate, and take time to argue, and advise thereupon. Whensoever the Counsel learned of the Party is of opinion, that the Count or Plea of the adverse party is insufficient in Law; then he *Demurs* or abides in Law, and refers the same to the Judgment of the Court. *Coke on Litt. fo. 71. b.* See *Demurrer*.

**Moziam**, Is all one in signification with the French *Morion*, i. *Cassis*, a headpiece, and that from the Italian *Morione*. *Anno 4 & 5 Phil. & Mary, ca. 2.* now called a *Pot*.

**Mozling** alias **Moztling**, Signifies that Wool which is taken from the Skin of a dead Sheep, whether dying of the rot, or being killed. *Anno 4 Edw. 4. cap. 2. & 3.* and 27 *Hen. 6. cap. 2.* This is written *Morkin*, *Anno 3 Jac. cap. 18.* *Murling* or *Shorking*, *Anno 3 Edw. 4. cap. 1.* & 14 *Car. 2. cap. 18.* See *Shorking*.

**Moztdancester**. See *Affize*.

**Moztgage** (*Mortuum vadum vel Mortgagium*) from the French *Mort*, i. *Mors*; and *Gage*, i. *Pignus*, Signifies a Pawa of Land or Tenement, or any

moveable thing, laid or bound for Money borrowed, peremptorily to be the Creditors for ever, if the Money be not paid at the day agreed on. And the Creditor, holding such Land on such Agreement, is in the mean time called *Tenant in Mortgage*. *Glanville* (lib. 10. cap. 6.) defines it thus, *Mortuum vadum dicitur illud, cuius fructus vel redditus interim percipitur in nullo se acquiescant*. Thus it is called a *Dead Gage*, because whatsoever profit it yields, yet it redeems not it self by yielding such profit, except the whole sum borrowed be likewise paid at the day, the Mortgage by Covenant being to receive the profits, till default of payment. He that lays this Pawn or Gage, is called the *Mortgager*, and he that takes it, the *Mortgagee*. This, if it contain excessive Usury, is prohibited *Anno 37 Hen. 8. cap. 9.*

**Mortmain** (*Manus Mortua*, i. *Dead Hand*). From the Fr. *Mort*, i. *Mors*, and *Main*, i. *Hand*. Signifies an Alienation of Lands or Tenements to any Corporation, Guild, or Fraternity, and their Successors, as Bishops, Parsons, Vicars, &c. which may not be done without Licence of the King, and the Lord of the Mannor, or of the King alone, if it be immediately holden of him. The reason of the name proceeds from this, that the services and other profits due for such Lands, should not, without such Licence come into a *Dead Hand*, or into such a Hand, as it were Dead, and so dedicate unto God, or pious uses, as to be abstrahedly different from other Lands, Tenements, or Hereditaments, and is never to revert to the Donor or any Temporal or common use. *Mag. Charta*, cap. 36. and 7 *Edw. 1.* commonly called the *Statute of Mortmain*. 18 *Edw. 3. stat. 3. cap. 3.* and 15 *Rich. 2. cap. 5.* Which Statutes are something abridged by *Anno 39 Eliz. cap. 5.* whereby the gift of Land, &c. to Hospitals, is permitted without obtaining of Licences of Mortmain. *Hottoman* in his Commentaries *De verbis Feudal. verbo Manus mortua*, says thus. *Manus mortua locutio est, quæ usurpatur de iis quorum possessio, ut ita dicam, immortalis est, quia nunquam heredem habere desinit*. *Qua de causa res nunquam ad Priorem Dominum revertitur; nam Manus pro possessione dicitur, Mortua pro immortalis, &c.* And *Skene* says, That *Dimittere terras ad Manum Mortuam, est idem atque dimittere ad multitudinem seu universitatem, quæ nunquam moritur*. The President and Governors for the poor within the Cities of *London* and *Westminster*, may without Licence in Mortmain, purchase Lands, &c. not exceeding the yearly value of 3000 l. *Stat. 14 Car. 2. cap. 9.*

**Mortuary** (*Mortuarium*) Is a gift left by a Man at his death, to his Parish Church, in recompence of his Personal Tythes and Offerings, not duly paid in his life time. A *Mortuary* is not properly and originally due to an Ecclesiastical Incumbent from any, but those only of his own Parish, to whom he ministers Spiritual Instruction, and hath right to their Tythes. But by Custom in some places of this Kingdom,

they are paid to the Incumbent of other Parishes, in the Corps of the Dead Bodies passage through them. See the Statute 21 *Hen. 8. cap. 6.* before which Statute *Mortuaries* were payable in Beasts. *Mortuarium* (*says Lindwood*) *sic dictum, est quia relinquuntur Ecclesie pro anima defuncti*. Custom in tract of time, did so far prevail, as that *Mortuaries* being held as due debts, the payment of them was enjoined, as well by the Statute *De circumspelle agatur*, in 13 *Edw. 1.* as by several Constitutions, &c. A *Mortuary* was anciently called a *Cors-present*, (because the Beast was presented with the Body at the Funeral) and sometimes a *Principal*. Of which see a learned discourse in *Mr. Dugdales Antiquities of Warwickshire*, fol. 679. And see *Seldens History of Tythes*, pag. 287. There is no *Mortuary* due by Law, but by Custom. 2 *Part Inst.* fol. 491. See *Spel. de Concil. Tom. 2. fol. 390.*

**Mote-Troopers**, Are a rebellious sort of Malefactors in the North of England, that live by Robbery and Rapine; not unlike the *Tories* of Ireland, or *Banditti* in Italy, for suppression of whom, the Statutes 4 *Jac. cap. 1.* — 7 *Jac. cap. 1.* and 14 *Car. 2. cap. 22.* were made.

**Mote** (*Mota*) Sax. *Gemote* A Court, Plea, or Convention. As *Mota* de Hereford, i. *Curia vel placita Comitatus de Hereford*. *Charta Matildis Imperatricis filia Regis Hen. 1.* — *Sciatis me fecisse Milonem de Glocestre, Comitem de Hereford & dedisse ei Motam Herefordiam cum toto Castello in Feodo & Hereditate*. Of this there were several kinds, as *Mittenagemot*, *Folcagemot*, *Scireagemot*, *Mundagemot*, *Burgagemot*, *Wardagemot*, *Paligemot*, *Stuinemagemot*, &c.

Hence to *Mote* or *Moot*, i. To Plead, and in Scotland they call it to *Mute*, as *The Mute Hill* at *Scone*, i. *Mons placitis de Scona*. But we now most commonly apply the word *Moot*, to that practise of Pleading and Arguing Cases, which young Students use in the Inns of Court and Chancery.

*Mota* was sometimes used of old for a Fortrefs or Castle, as *Turris de London* & *Mota de Windsor* — *Charta pacis inter Stephanum Regem & Hen. Ducent postea Regem*. See *Moot*.

**Mote**, Does also signifie a Standing Water to keep Fish in, or a great Ditch of Water encompassing a Castle or Dwelling House. — *Hec Indentura facta inter Rogerum Grene Clericum ex parte una & Thomam Horeworde Clericum ex parte altera, testatur, quod predictus Rogerus tradidit prefato Thomæ tria stagna & unam Motam Piscariam existentem infra manerium Domini de Yeffyn Habentis tenendam predicta tria stagna & predictam Motam cum tota piscatione in eisdem & cum incremento piscium in eisdem cum libero ingressu & egressu, &c.* Dat. 18 Febr. 11 *Edw. 4.*

**Muchebut**. — *Habeant hi quatuor unam regalem potestatem, (salva semper nobis nostra presentia) quaterque in anno generales Foresta demonstrationes & vividis & veneris forisfactiones, quas Muchebunt dicunt, &c.* *Const. Canuti de Foresta*, cap. 11.

**Mulier**

**Mulier** (as used in our Laws, seems to be corrupted from *Melior*, or the Fr. *Melieur*) Signifies the lawful Issue, preferred before an Elder Brother born out of Matrimony. *Anno 9 Hen. 6. cap. 11.* *Smith de Republ. Angl. lib. 3. cap. 6.* But by *Glanville*, lib. 7. cap. 1. The lawful Issue seems rather *Mulier*, then *Melior*, because begotten e *Muliere*, and not ex *Concubina*, for he calls such issue *Filius mulieratus*, opposing them to *Bastards*. And *Britton*, cap. 70. hath *Freve mulier*, i. The Brother begotten of the Wife, opposite to *Frere bastard*. This seems to be used in Scotland also: For *Skene* says, *Mulieratus filius* is a lawful Son, begotten of a lawful Wife. A Man hath a Son by a Woman before marriage, which is a Bastard and unlawful, and after he marries the Mother of the Bastard, and they have another Son, this second Son is called *Mulier*, and is lawful, and shall be heir to his Father: You shall always finde them with this Addition, when compared, *Bastard eigne & Mulier puius*. See *Coke on Littl.* fol. 170 b. & 243 b.

*Mulier* also, was anciently used as an Addition; As, *Omnibus — Domina Johanna de Foresta, mulier, salutem*. *Novit universitas vestra quod, &c.* dat. 3 *Regis Edw. Filii Edw.* Ex Autographo penes *Auborem*. By this it was doubted whether *Mulier* signified a Wife, or a Woman born in lawful Wedlock. But the following Deed clearly shewes it the former, and is conform to what *Sir Edw. Coke* says, 2 *Inst.* fo. 434. *Ibat, of ancient time, Mulier was taken for a Wife.*

*Elizabetha Grendon filia & hæres legitima Domini Hamonis Peshal mil. dum vixit & Alicia uxoris sue filia quondam Roberti Harley & Johanna uxoris ejusdem Roberti, filii & hæres quondam Roberti Harley mil. & Margareta uxoris sue pars appellans & alitæ ex parte una, & Johanna Harley Mulier pars appellata & rea ex altera. Eadem Johanna Harley per officialem Diocesis Middlesex, occasione frigiditatis sue impotentie naturalis Roberti mariti sui coeund. sine cam carnaliter cognoscend. mota, ab eodem Roberto separata fuit. Et nunc, ex supplicatione prefate Elizabethæ Grendon, ea separatio cassatur & annullatur, & matrimonium inter eos solidum & firmum fuisse declaratur per instrumentum publicum. Dat. Anno 1400. Ex MS. penes Will. Dugdale Ar.*

**Mulietrie**, or **Mulierie**, (*Coke on Litt. fo. 352. b.*) the being, or condition of a *Mulier*, or lawful issue. *Fait a remembre que Osbert Parles engendra Reynald de Affles en Bastardie; le quele Osbert enffesa le dit Reynald en Fec en tose son tenement de Affles, a lui & a ses heires a toutz jours: le quele Reynald engendra Simon de Affles en Mulierie, le quele Simon engendra Aliue, Agnes & Margerie en Mulierie.* MS. penes Will. Dugdale Ar.

**Multa**, or **Multura** *Episcopi*, Is derived a *Multa*; for that it was a Fine, or final satisfaction given the King, that they might have power to make their last Wills and Testaments, and to have the *Probate* of other Mens, and

the granting Administrations. See 2 *Inst. fo. 491.*

**Multiplication**, (*Multiplicatio*) Multiplying, or Augmenting. It is ordained and established, That none from henceforth shall use to Multiply Gold or Silver, nor use the Craft of Multiplication, and if any the same do, he shall incur the pain of Felony. *Anno 5 Hen. 4. ca. 4.* which Statute was made upon a presumption that some persons skilful in Chymistry, could multiply or augment those Metals, by *Elixir* or other ingredients, and change other Metals into very Gold or Silver. For, Letters Patents were granted by *Henry the Sixth* to certain persons, (who undertook to perform the same, and to find out the Philosophers Stone) to free them from the penalty in the said Stat. Rot. Pat. 34 *Hen. 6. m. 13.* *Coke 3. Inst. fo. 74.*

**Multitude**, (*Multitudo*) must, (according to some Authors) be ten persons or more; but *Sir Edward Coke* says, he could never read it restrained by the Common Law to any certain number, but left to the discretion of the Judges. *on Litt. fo. 257.*

**Multo fortiori**, or a *Minore ad Maius*. Is an argument often used by *Littleton*, the force of it thus, — If it be so in a Feoffment, passing a new right, much more is it for the restitution of an ancient right, &c. *Coke on Litt. fo. 253. a. and 260. a.*

**Multure**, (*Multura* vel *Multura*) Signifies the Toll that the Miller takes for grinding Corn. — *Et totam sequelam Customariorum meorum qui ad dictum molendinum bladum suum molent, ad sextum decimum vas, & brasum suum sine Multura*. *Mon Angl. 2 p. 10. 825. a.* — And if that toll grend at his millne, to grend at yrtill bestel. And for their walt negbt giue Multer, &c. *An Award dat. 28 Hen. 6.*

**Mundebrech**, (*Sax. Mund. i. Munition*, *Defensio*, & *Epice. Fractio vel violatio.*) *Si Rex Ecclesiam, Monasterium, Burgum, hominem aliquem vel societatem, eorumve res aut prædia in suam suscepit protectionem, dicebatur hoc omne & ejusmodi quicquid in Regni esse Mundio, Saxonicè on Cyningesmunde, ejus violatio etiam Mundbpicie dicta est, q. Protectionis violatio, aut data pacis fractio, quæ in Anglorum lege 5 libris placabatur. Spelm.* But *Mundebrech* is expounded in late times *clausuram fracturam*, a breach of Mounds, by which name Ditches and Fences are still called in some parts of England.

**Mundeburde**, (*Mundeburdium*, from the Sax. *Mund. i. Tutela*: And *Bopd* vel *Boph. i. Fidejussor*.) *Defensionis vel patrocinii fidejussio & stipulatio.*

**Munimenta**, (*Munimenta*,) *Mat. Paris, fo. 311.* *Episcopus itaque cum Munimentorum inspectionem habere non potuit. Scripta scilicet authentica, Chartæ Donationum & evidentiz. See Muniments.*

**Munimenthouse**, (*Munimen*) In Cathedral and Collegiate Churches, Castles, Colleges, or such like, is a House, or little Room of strength purposely



purposely made for keeping, the Seal, Evidences, Charters, &c. of such Church, Colledge, &c. Such Evidences being called *Muniments*, corruptly *Miniments*, from *Munio*, to defend; because inheritances and possessions are defended by them. 3 Part Inst. fo. 170.

**Murage**, (Muragium, Anno 3 Ed. 1. ca. 30.) Is a reasonable Toll, to be taken of every Cart, or Horse, coming laden into a City or Town, for the building or repairing the Walls of it, for the safeguard of the People, and is due either by Grant or prescription. Cokes 2 Part Inst. fo. 222.

**Murder**, (Murdum, from the Sax. Mordap, or British *Murdorn*, Fr. *Meurtre*, i. *Internecio*) Is a wilful and Felonious killing another upon premeditated Malice, whether secretly or openly, English man, or Forreiner, living under the Kings protection. 52 Hen. 3. ca. 25. — 14 Ed. 3. ca. 4. *Premeditated malice* is either express or implied; Express, when it may be evidently proved, There was formerly some ill will: Implied, when one kills another suddenly, having nothing to defend himself, as going over a Style, or such like. *Comp. Just. of P. ca. of Murder*, fo. 19. *Per parol de Murder en grants, le Grantee clama de aver amerciamentis de Murders*. Broke tit. quo warrant. 2.

**Murangers**, Are two ancient Officers in the City of *Chesler*, of as great antiquity as any other in that City, being two of the principal Aldermen, yearly elected, to see the Walls kept in good repair, and who receive certain Tolls and Customs for maintenance thereof.

**Mustre**, (from the Fr. *Moustre*. i. *Specimen*, *Exemplum*, as *Faire moustre generale de toute son armie*, Is as much as *lustrare exercitum*) the signification is well known. *Mustred of Record*, (Anno 18 Hen. 6. ca. 19.) Is to be enrolled in the number of the Kings Souldiers. *Master of the Kings Musters*. See in *Master*.

**Mustre-master-general**, (Anno 35 Eliz. ca. 4.) See *Master of the Kings Musters*.

**Mute**, (*Mutus*) That speaks not; dumb, speechless. — A Prisoner may stand *Mute* two manner of ways. 1. When he speaks not at all, and then it shall be enquired, whether he stood *Mute* of malice, or by the act of God; if by the later, then the Judge *ex officio* ought to enquire, whether he be the same person, and of all other Pleas, which he might have pleaded, if he had not stood *Mute*. 2. When he pleads not-guilty, or does not directly answer, or will not put himself upon the enquest to be tried. *Coke 2 Part Inst. ca. 12. Anno 32 Hen. 8. ca. 3.* See *Pain Fort & Dure*.

## N.

**Nam**, (*Namium*) (from the Sax. *Name*. i. *Capio*) Signifies the taking or apprehending another mans moveable Goods, and is

either lawful or unlawful: *Lawful Nam* is a reasonable Distress proportionable to the value of the thing distressed for; and this *Nam* was anciently called either *Vif* or *Mort*, quick or dead, according as it is made of dead or quick Chattels. *Lawful Nam* is so either by the Common-Law, as when one takes another Mans Beasts *damage feasant* in his Grounds; or by a Mans particular fact, as by reason of some contract made, that for default of payment of an Annuity, it shall be lawful to distrain in such or such Lands, &c. *Horns Mirror of Justices. lib. 2. ca. de Nam.* See *Withernam. non libebit Namium sumere vel vadimonium, nec averia sua imparchiare.* Mon. Angl. 2 Par. fo. 256. b. *Nemo Namium capiat in comitatu vel extra Comitatum, priusquam ter in Hundredo suo rectum sibi perquisierit.* LL. Canuti MS. ca. 18. quæ inscribitur *de Namii capiendo*, Quod si reddere noluerint (debitores) nec ad distracionandum venire, tunc cives quibus debita sua debent, capiant in Civitate, Namia sua, vel de comitatu in quo manet, qui debitum debet. *Char. Hen. 1. de libertat.* London. See *Votium Namium*.

**Namaton**, (*Namatio*) A distressing, or taking a distress. In *Scotland* it is used for impounding.

**Napperie** (Anno 2 Ric. 2. ca. 1.) (from the French, *Nappe*, a Table-cloth,) we may call it linnen-clothy.

**Nathwyte**. — Quod nec dictus Philippus de Avery, nec heredes sui de catero petere possint aliqua tallagia, nec etiam francum plegium, nec etiam aliam demandam, quæ vocatur *Nathwyte*. Carta 55 Hen. 3. m. 6. Perhaps, from the Sax. *Nyþ*. i. Lewdness, and so it may signify the same with *Lairwoite*.

**Nativity**, (*Nativitas*) Birth; Casting the Nativity, or, by calculation, seeking to know how long the Queen should live, &c. made Felony, Anno 22 Eliz. ca. 2. *Nativitas* was anciently taken for *Bondage*, or *Villanage* — terram, quam Nativi sui tenebant de se in Nativitate. *Mun. Angl. 2 par. fo. 643. a.*

**Natibo habendo**, Was a Writ that lay to the Sheriff, for a Lord, whose Villain, claimed for his inheritance, was run from him, for the apprehending and restoring him to his Lord. *Reg. of Writs, fo. 87. Fitz. Nat. Br. fo. 77.*

**Natibus**, Is qui natus est servus, &c. sic designat ab eo qui se vendidit passus est. Servos enim alios Bondos dicimus, alios Nativos, alias Villanos. Bondi sunt qui passionem vinculo se astringerint in servitutem, unde & nomen, nam Bond, anglice vinculum, Bondi quasi ascripti nuncupantur. De Nativis jam supra. Villani sunt qui gleba ascripti villam colunt Dominicam, nec exire licet, sine Domini licentia. *Spelman. Vide Chart. Rich. 2. qua omnes manumissis a Bondagio in Com. Hertford. Walsingham, pag. 254.* — Quod si aliquis Nativus aliquem in prefato Burgo manserit & terram in eo tenuerit, & fuerit in predicta Gilda & Hansa & Loth & Scotch cum eisdem Burgensibus nostris per unum

annum unum diem sine calumpnia, deinceps non possit repeti a Domino suo, ut in eodem Burgo liber permaneat. Carta Hen. 3. Burgensibus Mun-gumery.

**Native tenentes**, Sunt (ipsi etiam liberi) qui terram tenent Nativam: Hoc est Nativorum servitutis obnoxiam. *Spel.*

**Naturalization** (*Naturalizatio*) Is when an Alien born is made the Kings Natural Subject. See *Denizen*.

**Re Admittas**, Is a Writ that lieth for the Plaintiff in a *Quare Impedit*, or him that hath an Action of *Darein Presentment* depending in the Common Bench, and fears the Bishop will admit the Clerk of the Defendant, during the Sute between them; which Writ must be sued within six Months after the avoidance, because after the six Months, the Bishop may present by *Lapfe*. *Reg. of Writs, fol. 31. Fitz. Nat. Br. fol. 37.*

**Reat-land** (Sax.) *Terra Villanorum*: Land let or granted out to the Yeomanry. *Ex Vet. Charta.*

**Negative Pregnant** (*Negativa Prægnans*) Is a *Negative*, which implies or brings forth an *Affirmative*; as, if a Man being impleaded to have done a thing on such a day, or in such a place, denies that he did it *Modo & forma declarata*, which implies nevertheless that in some sort he did it. Or, if a Man be impleaded for having alienated Land in Fee, &c. he denies that he hath alienated in Fee; this is a *Negative* which includes an *Affirmative*, for it may be he hath made an Estate in Tail. *Dyer fol. 17. num. 95.* And see *Brook, hoc tit.*

**Reif** (Fr. *Naif*, i. *Naturalis*, *Nativa*) Signifies a Bond-woman, a the villan. Mentioned Anno 9 Ric. 2. cap. 2. See *Nativus*. Anciently when a Lord made his Bond-woman free, he gave her this kinde of Manumission.

Sciatis presentes & futuri quod ego Radulphus de Crombwell Miles Senior & Dominus de Lambeley dedi Domino Roberto Vicario de Dedeling Beatricem filiam Willielmi Hervy de Lambeley quondam Nativam Meam, cum tota sequela sua, cum omnibus cattallis suis perquisitis & perquirendis. Habend. & Tenend. predictam Beatricem cum tota sequela sua & omnibus cattallis suis & omnibus rebus suis perquisitis & perquirendis predicto Domino Roberto vel suis assignatis libere quiete bene & in pace imperpetuum. Ita quod nec ego predictus Radulphus & heredes mei sive assignati mei aliquod juris vel clamoris in predicta Beatrice vel in cattallis suis sive in sequela sua ratione servitutis vel natiuitatis de catero exigere vel vendicare poterimus, sed quæta sit & absoluta de me & heredibus meis seu assignatis meis ab omni onere servitutis & natiuitatis imperpetuum. In cuius — bis testibus — Dat. apud Lambeley in die Sancti Laurentii Martiris. Anno 13 Edw. 3. See *Manumission*.

**Writ of Reiftry**, Was an ancient Writ, now out of use, whereby the Lord claimed such a Woman for his Neif, wherein but two Neifs could be put.

**Re injuste heres**, Is a Writ that lies for Tenant, who is distressed by his Lord for other Services, then he ought to make, and is a prohibition to the Lord in it felt, commanding him not to distrain. The special use of it is, where the Tenant has formerly prejudiced himself, by performing more Services, or paying more Rent without constraint, then he needed; For, in this case, by reason of the Lords seisin, he cannot avoid him in *Asswary*, and therefore is driven to this Writ, as his next remedy. *Reg. of Writs, fo. 4. Fitz. Nat. Br. fol. 10.*

**Reffe** (Anno 4 Hen. 7. ca. 21.) Seemeth to be the proper name of *Orford Haven* in Suffolk.

**Re bicomes** Colore mandati Regis quenquam amovet a possessione Ecclesie minus iuste. *Reg. of Writs, fo. 61.*

**Nient comprese**, Is an exception taken to a petition as unjust, because the thing desired is not contained in that Act or Deed, whereon the Petition is grounded. For example, one desires of the Court to be put in possession of a House, formerly among other Lands, &c. adjudged to him; The adverse party pleads, that this petition is not to be granted, because, though the Petitioner had a judgment for certain Lands and Houses, yet this House is not comprised among those, for which he had judgment. *New Book of Entries, tit. Nient comprese.*

**Risse**, (Anno 3 Edw. 4. ca. 5.) Both *Cowel* and *Spelman* have it without any explication. I suppose it a corruption from *nihil*, and to signify a Toy, or thing of no value.

**Ribils**, or **Richils**, (Anno 5 Ric. 2. Stat. 1. ca. 3. and 27 Eliz. ca. 3.) Are Issues, which the Sheriff, that is apposed, says, Are *Nothing worth*, and illeivable, for the insufficiency of the parties that should pay them. *Præface of the Exchequer, pa. 101.* **Accompts of Nihil shall be put out of the Exchequer.** Anno 5 Ric. 2. Stat. 2. ca. 13.

**Nihil dicit**, Is a failing to put in Answer to the Plaintiffs Plea by the day assign'd; which, if a Man do omit, Judgment passeth against him, as saying nothing why it should not.

**Nihil capiat per breve**, Is the Judgment given against the Plaintiff, either in barr of his Action, or in abatement of his Writ. *Coke on Litt. fo. 363.*

**Nisi prius**, Is a Writ Judicial, which lies in case, where the Enquest is pannelled, and returned before the Justices of the Bank, the one party or the other desiring to have this Writ for the ease of the Country; whereby the Sheriff is willed to bring the men empanel'd to Westminster at a certain day, or before the Justices of the next Assises; Nisi die luna apud talem locum prius venerint, &c. See the form of it in *Old Nat. Br. fo. 159.* and see the Statute 14 Edw. 3. ca. 15. and that of York, 12 Edw. 2. and West. 2. ca. 30. See *Justices of nisi prius*, and 4 Inst. fo. 161.

**Notes & Poctem de firma**. We often meet in *Domesday* with *tot Nothes de firma*, or

*firma tot Noctium*; which is to be understood of meat and drink, or entertainment for so many nights.

**Nobility**, (*Nobilitas*) With us compriseth all Dignities above a Knight; so that a Baron is the lowest degree of it. *Symb. de Repub. Angl. lib. 1. ca. 17. v. Coke, lib. 9. Count of Salop's Case.*

**Documento.** See *Nusance*.

**Nomination**, (*Nominatio*) Is taken for a power, that a Man, by virtue of a Mannor, or otherwise, hath, to appoint a *Clerk* to a *Patron* of a Benefice, by him to be presented to the *Ordinary*.

**Non-ability**, Is an exception taken against the Plaintiff or Demandant, upon some cause why he cannot commence any Sute in Law; as *Præmuri*, *Outlaw*, *Villanage*, *professed in Religion*, *Excommunication*, or because he is a *stranger born*; howbeit the last holds only in actions *real* or *mixt*, and not in *personal*, except he be a stranger and an Enemy. The Civilians say, such a Man has not *Personam standi in judicio*. See *Brooke, hoc tit.* and *Fitz. Nat. Br. fo. 35. 65 and 77.*

**Non admittas.** See *Ne admittas*.

**Nonage**, Is all the time of a Mans age, under one and twenty years in some cases, or 14 in others, as Marriage. See *Broke, tit. Age. See Age.*

**Non capiendo Clericum.** See *Clericum non capiendo*.

**Non-claim**, Is an omission, or neglect of a Man, that claims not within the time limited by Law; as within a year and day, where *continual claim* ought to be made, or within five years after a Fine levied. *Vide Coke, lib. 4. in Proam. and Continual Claim.*

**Non compos mentis**, Is a Man of no found Memory, and understanding, of which there are four sorts. 1. An *Idiot*, who from his Nativty, by a perpetual infirmity, is *Non compos mentis*. 2. He that by sickness, grief, or other accident wholly loseth his Memory and Understanding. 3. A *Lunatick*, that has sometimes his understanding, and sometimes not, *aliquando gaudet lucidis intervallis*. Lastly, He that by his own act for a time deprives himself of his right mind, as a *Drunkard*; but that kind of *Non compos mentis* shall give no privilege or benefit to him or his heirs; and a Defect takes away the Entry of an *Idiot*, albeit the want of understanding was perpetual. *Coke, lib. 4. Beverly's Case.*

**Non distringendo**, Is a Writ comprizing divers particulars, according to divers cases, which you may see in the Table of Reg. of Writs.

**Non est culpabilis**, Is the general Plea to an action of Trespass, whereby the Defendant does absolutely deny the fact, charged on him by the Plaintiff, whereas in other special Answers, the Defendant grants the fact to be done, but alleges some reason in his defence, why he lawfully might do it. And, as this is the general Answer in an Action of Trespass,

that is, an Action criminal civilly prosecuted; so is it also in all Actions criminally followed, either at the Sute of the King, or other, wherein the Defendant denies the Crime objected to him. See *New Book of Entries, tit. non Culp. & Stamford. pl. Cor. lib. 2. ca. 62.*

**Non est factum**, Is a Plea to a Declaration, whereby a Man denies that to be his deed, whereupon he is impleaded. *Brooke, hoc titulo.*

**Non implacitando aliquem de libero tenemento sine brevi**, Is a Writ to inhibit Bailiffs, &c. from Distreining any Man, without the Kings Writ, touching his Freehold. *Reg. of Writs, 171. b.*

**Non intromittendo quando brebe pæcipit in capite subdole impetratur**, Is a Writ which had dependence on the Court of Wards, and therefore now obsolete. *Reg. of Writs, fo. 4. b.*

**Non merchandizando victualia**, Is a Writ directed to the Justices of Assize, commanding them to enquire, whether the Officers of such a Town do sell Victuals in gross, or by retail during their Office, contrary to the Statute, and to punish them, if they find it true. *Reg. of Writs, fo. 184.*

**Non molestando**, Is a Writ that lies for him, who is molested contrary to the Kings protection granted him. *Reg. of Writs, fo. 24.*

**Non obstante**, notwithstanding. Is a word or clause usual in Statutes and Letters Patent. — **All grants of such Pensions, and every non obstante therein contained shall be void.** Stat. 14 Car. 2. ca. 11. v. 3 Part Crokes Rep. fo. 196. and *Plow. Com. fo. 501. 502.* In Henry the Thirds time (says Sir Richard Baker) the Clause *non obstante* (brought in first by the Pope) was taken up by the King in his Grants and Writings. See *Pryn's Animadversions on fourth Inst. fo. 129.*

**Non omittas**, Is a Writ lying, where the Sheriff delivers a former Writ to a Bailiff of a Franchise, in which the party, on whom it is to be served, dwells, and the Bailiff neglects to do it: In this case the Sheriff returning, that he delivered it to the Bailiff, this shall be directed to the Sheriff, charging him to execute the Kings command himself. *Old. Nat. Br. fo. 44.* Of this the Reg. of Writs has three sorts, fo. 82. b. 151.

**Non ponendo in Aseis & Juratis**, Is a Writ founded upon the Stat. *Westm. 2. ca. 38.* and the Stat. *Articuli Super Chartas, ca. 9.* which is granted upon divers causes to Men, for the freeing them from serving upon Assises and Juries, as by reason of old age, &c. See *Fitz. Nat. Br. fo. 165.* and *Reg. fo. 179. 181.*

**Non procedendo ad Aseis tam Rege inconsulto**, Is a Writ to stop the Trial of a Cause appertaining to one, who is in the Kings service, &c. until the Kings pleasure be farther known. *Reg. fo. 220.*

**Non residentia pro Clericis Regis**, Is a Writ directed to the Ordinary, charging him not to molest a Clerk employed in the Kings Ser-

vic

vice, by reason of his *Non-residence*. *Reg. of Writs, fol. 58. b.*

**Non Residence** (*Anno 28 Hen. 8. cap. 13.*) Is applied to those Spiritual Persons, that are not Resident, but do absent themselves by the space of one Moneth together, or two Moneths at several times in one year, from their Dignities, Prebends, or Benefices. For Regularly, *Personal Residence* is required of Ecclesiastical Persons upon their Cures. See 2 Part Instit. fol. 625.

**Non solvendo pecuniam, ad quam Clericus mulctatur pro non Residentia**, Is a Writ prohibiting an Ordinary to take a pecuniary mult, imposed upon a Clerk of the Kings for *Non-residence*. *Reg. of Writs, fol. 59.*

**Non-sute**, (*i Non est Prosecutus, &c.*) Is a Renunciation of the Sute by the Plaintiff or Demandant, most commonly upon the discovery of some Error or Defect, when the Matter is so far proceeded in, as the Jury is ready at the Bar, to deliver their Verdict. *Anno 2 Hen. 4. cap. 7.* See the *New Book of Entries, verbo, Nonsute*. The Civilians term it *Litis Renunciationem*.

**Non-tenure**, Is an Exception to a Count, by saying, That he holdeth not the Land mentioned in the Count, or at least some part of it. *Anno 25 Edw. 3. stat. 4. cap. 16. West, par. 2. Symb. tit. Fines, sect. 138.* Mentions *Non-tenure general*, and *Non-tenure special*: This, is an Exception, alleging that he was not Tenant the day whereon the Writ was purchased; *General*, is, where one denies himself ever to have been Tenant to the Land in question. See *New Book of Entries, verbo, Non tenure*.

**Non sum informatus**. See *Informatus non sum*.

**Non sane memorie** (*Non sana memoria*) Is an Exception taken to any Act, declared by the Plaintiff or Demandant to be done by another, and whereon he grounds his Plaint or Demand: And the effect of it is, that the party that did that Act, was mad or not well in his wits when he did it, or when he made his last Will and Testament. See *New Book of Entries, tit. Non sane memorie*. See *Non compos mentis*.

**Nones** (*Nona*) In March, May, July, and October, are the six days next following the first day, or the Calends. In other Moneths they are the four days next after the first; but the last of these days is properly called *Nones*, and the other reckoned backward, according to the number distant from the *Nones*, as the third, fourth, or fifth *Nones*. They are called *Nones*, because they begin the ninth day before the *Ides*. Dates of Deeds by *Nones, Ides, or Calends* is sufficient. 2 Inst. fol. 675.

**Non-term** (*Non terminus*) Is the time of Vacation between Term and Term. It was anciently called *The times or days of the Kings Peace*. *Lamb. Archæ. fol. 126.* And what these were in the time of King Edward the Confessor, see there. See *Peace of God, and the Church*.

This time was called *Juslicium* or *Feria* among the Romans, or *dies nefasti*. *Ferias* appellatur *notum est tempus illud, quod forensibus negotiis & jure dicendo vacabat*. *Brisson. de verb. signif. lib. 6.*

**Book of Land** (*Noka terra*) — *Universis pateat, quod ego Johanna que sui uxor Walteri le Blount — tradidi — Henrico Adams unum Mes. & unam nokam terræ cum pertin. in villa de Momete, &c. Dat. apud Sodington, 5 Edw. 3.*

**Bozop** (*Quasi, North-Roy*, The Northern King) The third of the Three Kings at Arms, whose Office lies on the Northside of Trent, as *Clarentius* on the South; and is mentioned in the Stat. 14 Car. 2. cap. 33. See *Herald*.

**Botary** (*Notarius*) *Anno 27 Edw. 3. cap. 1.* Is a Scribe or Scrivener that takes Notes, or makes a short draught of Contracts, Obligations, or other Instruments. *Claus. 13 Edw. 2. m. 6. Schedula confusa eidem memb. de Notariis Imperialibus non admittendis.*

**Pote of a Fine** (*Nota Finis*) Is a Brief of a Fine made by the Chirographer, before it be engrossed: The form whereof see in *West. par. 2. Symbol. tit. Fines, sect. 117.*

**Bot guilty**. See *Non est culpabilis*.

**Robale** (*Ex Cartulario Abbatis de Furnesse in Com. Lanc. in Officio Ducat. Lanc. fol. 41. b.*) — *Item nota quod Novale est ager nunc primum præcipus, ut extra verborum significationibus innovato, ubi Glossa dicitur Novale, terra de Novato ad culturam redacta, cujus non extat memoria quod fuisset ibidem: Et quod Novale semel fuit, semper erit Novale, quoad decimarum retentionem vel solutionem. Land newly ploughed or converted into Tillage. — Excepta decima Novatum cujusdam terræ, quam de novo excu-* *luerunt Pat. 6 Edw. 3. par. 1. m. 19.*

**Robel Assignment** (*Nova Assignatio*) Is in an Action of Trespass, an Assignment of Time, Place, or such like, in a Declaration more particularly then it was in the Writ. *Brooke, tit. Deputy, num. 12. And Trespass. 122. See Assignment.*

**Ropes** (*Anno 21 Jac. cap. 18*) — *No person shall put any Flocks, Noyles, Thrams, Hair, or other deceivable thing into any broad woollen Cloth, &c.*

**Rude Contract** (*Nudum Pactum*) Is a bare Contract or Promise of a thing, without any consideration given therefore: *Ex quo non oritur Actio.*

**Rude Matter**. See *Matter*.

**Nummata terra**, Is the same with *Denariata terra*, by some taken to be an Acre. *Sciatis me (Wil. Longespe) dedisse & concessisse Ecclesia Sancta Maria de Walsingham & Canonici ibidem deo servitibus in perpetuum Elembinam 40 Nummatis terræ in Walsingham, &c. See Fardingale.*

**Puncupatibe Will**. See *Will*.

**Puin** (*Nonna*) Signifies a holy or consecrated Virgin, or a Woman that hath by vow bound her self to a single or chaste life, in some place, or company of other Women, separated

ted

d from the World, and devoted to a special Service of God, by Prayer, Fasting, and such like holy Exercises. *Cowel*.

**Super obit.** Is a Writ, that lies for a Coheir, being deformed by her Coparcener of Lands or Tenements, whereof their Grandfather, Father, Uncle, or Brother, or any other, their common Ancestor, died seised of an estate in Fee-simple. See the form of the Writ in *Reg. of Writs*, fol. 226. and *Fitz. Nat. Br. fol. 197*. If the Ancestor died seised in Fee-tail, then the Coheir deformed shall have a *Formdon*. *Ibidem*.

**Nuſance** (from the Fr. *nuire*, i. nocere) Signifies not only a thing done to the annoyance of another in his free Lands or Tenements, but the Affize or Writ lying for the same. *Fitz. Nat. Br. fol. 183*. And this Writ *De Nocumento* or of *Nuſance*, is either simply, *De Nocumento* or *De parvo Nocumento*; and then it is *Vicountiel*. *Old Nat. Br. fol. 108*. *Britton* (cap. 61. & 62.) calls it *Nuſance*. *Manwood* (pa. 2. cap. 17.) makes three sorts of *Nuſance* in the Forest; the first is, *Nocumentum commune*; the second, *Nocumentum speciale*; the third, *Nocumentum generale*, of which, read there. See *Cokes fifth Report*, *Williams Case*. *Writs of Nuſances*, see the Stat. 6 *Rich. 2. cap. 3*. Now much turned into *Trespasses* and *Actions* upon the *Case*.

## O.

**O. Ni.** — The course of the Exchequer is, That as soon as a Sheriff enters into his account for Issues, Amerciaments, and Mean Profits, to mark upon his Head. *O. Ni.* which signifies *Oneratur*, nisi habeat sufficientem exoneracionem, and presently he becomes the Kings debtor, and a *Debet* set upon his Head; whereupon the parties *peravabile* are become debtors to the Sheriff, and discharged against the King. 4 *Inst. fol. 116*.

**Oath-gabel.** See *Gavelfetter*.

**Oathgabel.** See *Gavel*.

**Oath** (*Juramentum*) Is a calling Almighty God to witness that the Testimony is true; therefore it is aptly termed *Sacramentum*, a Holy Band, a Sacred Tye, or Godly Vow. And it is called a *Corporal Oath*, because the party when he swears, toucheth with his right hand the Holy Evangelists or Book of the New Testament. *Coke 2 Part. Inst. cap. 74*. See the several Oaths of many of the Officers of this Kingdom in the Book of Oaths lately Printed. In a Deed of William de Elmham Knight, in French, Dat. 19 April, 49 *Edw. 3.* is this old fashioned Oath, — *Promettant per la foye de mon Corps & de Chivalerie, que si Dieu moy voille meſme en ſavete, &c. ic delivera les avantditz ſommez, &c.* MS. Penes Will. Dugdale, Ar.

**Obedientia**, Was a Rent, as appears by *Hovedens Annals*, parte postea, fo. 430. *Ut ergo eis, (scil. Regularibus) admittatur opportunitas exagandi, prohibemus, ne redditus quos obedientias vocant, ad firmam teneant* — In the Canon Law it is used for an Office, or the administration of it. Whereupon the word *Obedientiales* in the Provincial Constitutions is used for those who have the execution of any Office under their Superiors, ca. 1. *de statu Regular*. It may be some of these Offices called *Obedientia*, consisted in the Collection of Rents, or Penſions, and that therefore those Rents were by a Metonymy called *Obedientia*, quia colligebantur ab obedientialibus. *Concil. Eboracen. Anno 1195*.

**Obit.** (Anno 1 *Edw. 6. ca. 14.* and 15 *Car. 2. ca. 9*. A Funeral Solemnity, or an Office for the Dead, most commonly performed at the Funeral, when the Corps lie in the Church uninterred: Also the Anniversary-Office. *Croke 2 Part. fo. 51*. *Hollowayes Case*. It was held 14 *Elizabeth* Dyer 313. That the tenure of *Obit*, or Chantry Lands held of Subjects is extinct by the Act of 1 *Edw. 6*.

**Oblata**, Properly Offerings. Bat, in the Exchequer it signifies old Debts, brought, as it were together from precedent years, and put to the present Sheriffs charge. See the *Practice of the Exchequer*, pa. 78. Also Gifts or Oblations made to the King by any of his Subjects; which were so carefully heeded in the Reigns of King John and Henry the Third, that they were entered in the *Fine Rolls* under the Title *Oblata*; and, if not paid, extreated, and put in charge to the Sheriffs; concerning which, you may see Mr. *Fabian Philips Book of the Antiquity and legality of the Royal Purveyance*, Sir Henry *Spelmans Glossary*, and Mr. *Prins Aurum Regium*.

**Oblations**, (Oblaciones, in the Canon-Law are thus defined, *Dicuntur quacunque pias fidelibusque Christianis offeruntur Deo & Ecclesie, sive res solida sive mobiles sunt*. See *Spel. de Concil. To. 1. fo. 393*. Anno 12 *Car. 2. ca. 11*.

**Obligation**, (Obligatio) Is a Bond containing a penalty, with a condition annexed for payment of Money, performance of Covenants, or the like; And a *Bill* is commonly without penalty, and without condition; yet a *Bill* may be Obligatory. *Coke on Litt. fo. 172*.

**Obligor**, Is he that enters into such an Obligation; and, *Obligee* is he to whom it is entered into. Before the coming in of the *Normans*, (as we read in *Ingulphus*) Writings Obligatory were made firm with golden Crosses, or other small signs or marks; But, the *Normans* began the making such Bills and Obligations with a Print, or Seal in Wax, set to with every ones special Signet, under the express continuing of three or four Witnesses. In former time many Houses and Lands thereto passed by Grant and Bargain without Script, Charter, or Deed, only with the Landlords Sword or Helmet, with his Horn or Cup: yea, and many Tenements were demised with a Spur or Carrycomb, with a Bow, or with an Arrow. See *Wang*.

**Obolata**

**Obolata terra**, Is (in the opinion of some Authors) half an Acre of Land; but others hold it to be but half a Perch. *Thomasius* says, *Obolum terra* contains ten foot in length, and five in breadth. See *Fardingdeal*.

**Oblentions**, (Obventiones) Offerings: 2 *Inst. fo. 661*. Also Rents, or Revenue, properly of Spiritual Livings. Anno 12 *Car. 2. ca. 11*. — *Margeria Mareſcalla Comitissa de Waverleyke universis Sancta matris Ecclesie filiis, &c. dedi — omnes obventiones, tam in decimis majoribus & minoribus, quam in aliis rebus de assurtis de Wigorn & decimam pannagii & ventionis de Wigorn & de Rinsell, &c.* MS. penes Will. Dugdale Ar.

**Occupant**. If Tenant per terme dauter vie dies, living *cestuy que vie*; he that first enters shall hold the Land during that other mans life, and he is in Law call'd an Occupant, because his title is by his first occupation. And so, if Tenant for his own life grant over his Estate to another, if the Grantee dies, there shall be an Occupant. *Coke on Litt. ca. 6. Sect. 56.* and *Bulstrods Rep. 2 Part. fo. 11, 12*.

**Occupation**, (Occupatio.) Signifies the putting a man out of his Freehold in time of War, and is all one with *Disseisin* in time of peace, saving that it is not so dangerous, *Coke on Litt. fo. 249. b.* Also Use, or Tenure, as we say, such Land is in the Tenure or Occupation of such a Man, that is, in his possession or management. See *Terre Tenant*. Also Trade or Occupation. 12 *Car. 2. ca. 18*. But, *Occupaciones*, in the Stat. *de Bigamis, ca. 4.* are taken for Usurpations upon the King; and, it is properly, when one usurpeth upon the King, by using Liberties or Franchises, which he ought not to have; As an unjust entry upon the King into Lands and Tenements, is called an *Intrusion*, so an unlawful using of Franchises is an *Usurpation*; but, *Occupaciones* in a large fence, are taken for *Purprestures*, *Intrusions*, and *Usurpations*. 2 *Inst. fo. 272*.

**Occupabit**, Is a Writ that lies for him, who is ejected out of his Land or Tenement in time of War; As, a Writ of *Novel Disseisin* lies for one ejected in the time of Peace.

**Octave**, (Octavus) The eighth day after any Feast inclusively. See *Ulas*.

**Octo tales**. See *Tales*, & *Brook tit. Ocho Tales*.

**Odio & atia**, (Anno 3 *Ed. 1. ca. 11*.) anciently called *Breve de bono & malo*, is a Writ sent to the under-Sheriff, to enquire, whether a Man, being committed to Prison, upon suspicion of Murder, be committed upon *Malice*, or *Ill-will*, or upon just suspicion. *Reg. of Writs, fo. 133. b.* See *Bracton, lib. 3. Part. 2. cap. 20.* and *Stat. 23 Edw. 3. ca. 9*. *Atia* was anciently written *Hatia*, or *Hatya*, for *Hate*, not *Atia*, quia *Malitia est acida*, as Sir *Edw. Coke* has it in his 9 *Rep. fo. 506.* and in 2 *Inst. fo. 42*. See *Spel. on Atia*.

**Office**, (Officium) Signifies not only that Function, by vertue whereof a man has some employment in the affairs of another, as of the

King, or other person; But also an Inquisition made to the Kings use of any thing by vertue of his Office, who enquireth. Therefore we often read of an *Office found*, which is such a thing found by Inquisition, made *Ex Officio*. In which signification 'tis used Anno 33 *Hen. 8. ca. 20*, and in *Stamf. Prærog. fo. 60, & 61*, where to *Traverse* an Office, is to *Traverse* an Inquisition taken of Office before an Escheator. And in *Kitchin, fo. 177*. to return an Office, is to return that which is found by vertue of the Office. See also the new Book of Entries, verbo, *Office pur le Roy*; And this is by a Metonymy of the effect. In this signification there are two sorts of Offices issuing out of the Exchequer by Commission, viz. An Office to entitle the King in the thing enquired of, and an Office of Instruction, which read in *Cokes Rep. Pages Case*.

**Office in Fee**, Is that, which a Man hath to him and his heirs, Anno 13 *Ed. 1. ca. 25*. *Kitchin, fo. 152*. See *Clerk*.

**Oſerhprneſſe & Oſerherneſſa**. — *Si autem poſt Excommunicationem & ſatiſfactionem venerint, ſoriſfacturam ſuam, que Anglice vocatur Oſerhprneſſe ſeu Cahſſite, pro unaquaque vocatione Epifcopo ſuo reddant*. *Concil. Wintoniæ temp. Lanfranci Archiepiſ. Anno 1076*. See *Gloſ. in x. Scriptores*, verbo, *Overherneſſa*.

**Official**, (Officialis) Signifies him, whom the Arch-deacon ſubſtitutes for the executing his Jurisdiction, as appears by the Statute 22 *Hen. 8. ca. 15*. In the Canon-Law it is he, to whom any Biſhop does generally commit the charge of his Spiritual Jurisdiction; And, in this ſence one in every Dioceſs is *Officialis principalis*, whom our Statutes and Laws call *Chancelor*; the reſt, if there be more, are by the Canon-Law called *Officiales foranci*, but by us *Commiſſaries*. The word is alſo by ſome modern Civilians applied to ſuch as have the ſway of temporal Juſtice.

**Officiariis non faciendis vel amobendis**, Is a Writ directed to the Magiſtrates of a Corporation, willing them not to make ſuch a man an Officer, and to put him out of the Office he hath, until enquiry be made of his Manners, according to an Inquiſition formerly ordained. *Reg. of Writs, fo. 126. b.*

**Oſgangfordel**. — *Eantque (rei) ad triplex Judicium, quod Angli Oſgangfordel vocant*. *Conſtit. Canuti de Foreſta, ca. 11*.

**Oſeron Laws**, or the *Sea-Laws of Oſeron*, So called, becauſe they were made by King Richard the Firſt when he was there, and relate to maritime affairs, *Coke on Litt. fo. 260. b.* This *Oſeron* is an Iſland, which lies in the Bay of *Aquitaine*, at the Mouth of the River *Charent*, belonging now to the French King. See *Seldens Mare Clauſum, fo. 222, & 254*. And *Prins Animadverſions on 4 Inst. fo. 126*.

**Olympiad**, (Olympias) The ſpace of five years; by which King *Eſchelbert*, in a certain Charter of his computed the years of his Reign — *Conſentiens, ſigno ſanctæ Crucis ſubſcripti in Olympiade 4 Regni mei*. *Spelm.*

**Onerando pro rata portione**, Is a Writ that lies for a Joint-tenant, or Tenant in Common, that is disseined for more Rent, then the proportion of his Land comes to. *Reg. of Writs*, fo. 182. b.

**Onus importandi**, i. The burden, or charge of importing, mentioned in the Stat. 12 Car. 2. Art. 28.

**Onus probandi**, i. The burden or charge of proving, Anno 14 Car. 2. ca. 11.

**Open Law**, (*Lex manifesta, lex apparens*) Is making of Law, which (by *Magna Charta*, ca. 28.) Bailiffs may not put men to, upon their own bare assertions, except they have witnesses to prove their imputation. See *Law*.

**Openthes**, i. Open theft. *Quadam placita vel crimina emendari non possunt, quia sunt Openthes, Bernet, Openthes, Eberemod, and Lafordswic*, &c. LL. Hen. 1. ca. 13.

**Ora**—Ego frater Nigellus Desgratia Abbas Bermonie, dedi, in Capitulo nostro & omnes fratres mei mecum, terram de Ocovere, Ormaz, hac conventionem, ut unoquoque anno nobis sex oras persolverat, & proinde factus est homo noster, &c. sine dat. This was Saxon-Money, or Coin, which valued xvi d. a piece, and often found in Domesday.

**Orchel**, (Anno 1 Rich. 3. ca. 8.) Orchal, (Anno 24 Hen. 8. ca. 2. and 3 & 4 Edw. 6. ca. 2.) Seems to be a kind of Cork.

**Ore**, or **Oredelf**, (*Effusio materiei metallice vel ipsius metalli*) from the Sax. Ore, Metallum & belfran, Effundere, Is a word often found in Charters of Privileges, and is taken for a liberty, whereby a Man claims the Ore found in his own ground. It properly signifies Ore, lying under-ground; As a Delf of Coal is Coal lying in veins under-ground, before it is digged up.

**Ore**, (Sax. Opboel. Lat. Ordalium,) Signifies great Judgment, from the Sax. Op, Magnum & deal, Judicium. It was used for a kind of Purgation practised in the time of Edward the Confessor, and since even to King John and Henry the Thirds time, whereby the party purged was judged, *Expers criminis*, called in the Canon-Law, *Purgatio vulgaris*. LL. Edw. Conf. ca. 9. There were two sorts of it, one by Fire, another by Water; *Liber per ferrum candens, rusticus per aquam*. Glanv. lib. 14. ca. 1. pa. 114. This Ordalian Law was condemned by Pope Stephen the Second, and (to use Sir Edward Cokes words) *Fuit ouste per Parliament, come appiert Rot. Paten. de Anno 3 Hen. 3. Membr. 5.*

**Henricus** (3) Dei Gratia Rex, &c. dilectis & fidelibus suis Philippo de Ulecoet & Sociis suis Justiciariis itinerantibus in Comitibus Cumberland, Westmerland, and Lancaster, Salutem. Quia dubitatum fuit & non determinatum ante inquisitionem itineris vestri, quo Judicio deducendi sunt illi qui reati sunt de Latrocinio, Mordro, incendio & huiusmodi, cum prohibuit sit per Ecclesiam Romanam Judicium Ignis & Aquæ; Provisum est a Concilio nostro, ad presens, ut in hac itinere, sic fiat de reatis de huiusmodi excessibus,

viz. Quod illi qui reati sunt de criminibus prædictis majoribus, & de eis babeatur suspicio quod culpabiles sint de eo unde reati sunt (de quibus etiam licet Regnum nostrum abjurarent adhuc suspicio esset quod postea maleficerent) teneantur in Prisona nostra, & salvo custodiantur, ita quod non incurvant periculum vite vel membrorum occasione prisona nostra. Illi vero qui mediis criminibus reati fuerint & quibus competeret Judicium Ignis vel Aquæ, si non esset prohibitum, & de quibus, si Regnum nostrum abjurarent, nulla fuerit postea malefaciendi suspicio, Regnum nostrum abjurarent. Illi vero qui minoribus reati fuerint criminibus, nec de eis fuerit mali suspicio, saltem & securos plegios inveniant de fidelitate & pace nostra conservanda, & sic dimittantur in terra nostra. Cum igitur nihil certius providerit in hac parte Consilium nostrum ad presens, relinquimus discretionem vestram hunc Ordinem prædictum observandum in hoc itinere vestro, ut qui personas hominum, formam delicti, & ipsarum rerum veritatem melius cognoscere poteritis, hoc Ordine secundum discretionem & Conscientias vestras in huiusmodi procedatis. Et in cuius Rei Testimonium, &c. Teste Domino P. Wintoniensi Episcopo apud West. 26 die Ian. Anno regni nostri tertio. Per eundem & H. de Bargo Justiciarium. See Spelman at large upon this subject, fo. 436. Coke, lib. 9. de Strata Marcella. and Sax. Dist.

**Ordinance of the Forest**, (*Ordinatio Forestæ*) Is a Statute made in the 34 year of Ed. 1. touching Forest-matters. See *Affise*.

**Ordinary**, (*Ordinarius*) Though in the Civil Law, whence the word is taken, it signifies any Judge that has authority to take Cognizance of Causes in his own right, as he is a Magistrate, and not by deputation; yet in our Common Law it is properly taken for the Bishop of the Diocese, or he that has ordinary Jurisdiction in Causes Ecclesiastical, immediate to the King and his Courts of Common-Law, for the better execution of Justice. Coke on Litt. fo. 344. West. 2. ca. 19. — 31 Edw. 3. ca. 11. and 21 Hen. 8. ca. 5.

**Ordinatione contra servientes**, Is a Writ that lies against a Servant, for leaving his Master against the Statute, *Reg. of Writs*, fo. 189.

**Ostgild**, (from the Sax. Opfr, Pecunia, & gild. *Solutio vel redditio*) A delivery or restitution of Cattel: But Lambert says, 'tis a restitution made by the Hundred or County, of any wrong done by one that was in pledge. *Archæ. pa. 125.* or rather a penalty for taking away of Cattel.

**Orfraies**, (*Aurifrisum*) Frizled Cloth of Gold, made and used in England, both before and since the Conquest, worn by our Kings and Nobility, as appears by a Record in the Tower, where the King commands the Templers to deliver such Jewels, Garments, and Ornaments as they had of His in keeping, among which he names Dalmaticum velatum de Orfraies. i. A Dalmatic, or Garment, guarded with Orfraies. And of old the Jacquets, or Coat-armours of the

the Kings Guard were also termed Orfraies; because adorn'd with Goldsmiths work.

**Osgallous**, *Reftum*, Orguillous, (from the French *Orgueil*, i. Pride.) Proud, Haughty, Lofty-minded. *Art. against Card. Woolsey*, 4 Inst. fo. 89.

**Osteis**, (Anno 31 Edw. 3. Stat. 3. ca. 2.) Is the greatest fort of North-sea-fish; (for the Statute says, They are greater then Lob-fish) In these dayes called *Organ Ling*, which is a corruption from *Orchney*, the best being taken near that Island.

**Originalia**, In the *Treasurers Remembrancers* Office in the Exchequer, are Records, or Transcripts sent thither out of the Chancery; and are distinguish'd from *Recorda*, which contain the Judgments and Pleadings in Sutes tryed before the Barons.

**Ostelli**, Signifies the Claws of a Dogs foot, from the Fr. *Orteils des peids*, i. *Digiti pedum*, the Toes. 'Tis used in *Pupilla oculi*, Chap. de Char. Forest. par. 5. ca. 22.

**Ostmonds**, (Anno 32 Hen. 8. ca. 14. and I find in *Spelmans Gloss.* mention of a last of *Ostmonds*;) Is that Oar, or Iron-Stone, of which Iron is made, and it seems was anciently brought into England.

**Ouch**, (Anno 24 Hen. 8. ca. 13.) A kind of Collar, or Neck-lace of Gold, or such like ornament, worn by women about their necks: Sometimes used for a boss or button of Gold.

**Quertameffa** Si quis furi obviaverit, & sine vociferatione gratis eum dimiserit, emendat secundum Veram ipsius furis, vel plena lada se adlegit, quod cum eo falsum nescivit: si quis audito clamore super sedis, reddat Quertameffa regis, aut plene se laudat. Lib. rub. ca. 36. This seems to have been an ancient Penalty or Fine (before the Statute for Hue and Cry) laid upon those, who, hearing of a Murder or Robbery, did not pursue the Malefactor. 3 Inst. fo. 116. and to be the same, which is elsewhere written *Ober-regeneste*, and *Quertameffa*. See *Gylt-wite*.

**Quelty of services**, Is equality of services; as, when the Tenant paravail owes as much to the Mefu, as the Mefu does to the Lord Paramount. Fitz. Nat. Br. fo. 136. So *Owelty* of partition. Coke on Litt. fo. 169.

**Obert-act**, (*Apertum factum*) An open, plain, evident act, 3 Inst. fo. 12. which must be manifestly proved.

**Obert word**, (An. 1 Mar. Sess. 2. ca. 3.) An open, plain word; from the Fr. *Overt*.

**Ouster le main**, (Fr. *Oster la main*, i. To take off the hand) Signifies a Livery of Lands out of the Kings hands, or a Judgment given for him that Traverfed, or sued a *Monfrance le droit*; For, when it appear'd, upon the matter discussed, that the King had no right nor title to the Land he seised, Judgment was given in Chancery, that the Kings hands be removed, or taken off, and thereupon *Amoveas manum* was awarded to the Escheator, to restore the Land, &c. *Stamp. Prærog. ca. 24.* It is written *Oster le maine*, 25 Hen. 8. ca. 22. But now all Ward-

ships, Liveries, Primerseins, and *Ousterle-mains*, &c. are taken away and discharged by 12 Car. 2. ca. 24.

**Ouster le mer**, (Fr. *Oultre*, i. Ultra, & *le mer*, mare,) Is a cause of excuse, or effoin, if a man appear not in Court upon Summons, for that he was then beyond the Seas. See *Essoin*.

**Ousted**, (From the Fr. *Oster*, to remove, or put out) As, ousted of the possession, (*Pecks Case*, Mich. 9. Car. 1. 3 Part Crokes Rep. fo. 349.) that is, removed, or put out of possession.

**Oustangthef**, (from the Sax. *Uc*, i. Extra, *Fang*, i. *Capio* vel *Captus* & *þeop*, i. *Fur*, quasi *fur extra captus*,) Is a liberty or privilege, whereby a Lord is enabled to call any man (dwelling in his Fee, and taken for Felony in another place,) to Judgment in his own Court. *Rassals Exposit. of Words*. Anno 1 & 2 Pb. & Ma. ca. 15. Per *Oustangthef* Edwardus Sutton miles Dominus de Dudley, &c. clamat quod quandoque aliquis lairo, qui est homo ipsius Edwardi de Dominio suo prædicto, de aliqua felonia convictus fuerit, pro qua suspendi debeat, in quacunque Curia idem felo sit convictus; ducatur ad furcas ipsius Edwardi per Ministros suos, & ibidem suspendatur. Pl. in Itin. apud Cestriam. 14 Hen. 7.

**Outlaw**, (Sax. *Utlaghe*. Lat. *Vilagatus*.) Significat bannitum extra legem. *Fleta*, lib. 1. ca. 47. one deprived of the benefit of the Law, and out of the Kings protection. *Forisfacit utlagatus omnia quæ pacis sunt; quia a tempore quo utlagatus est caput gerit lupinum, ita quod ab omnibus interfici possit & impune; maxime si se defendere vel fugerit*, &c. *Bracton*, lib. 3. Traç. 2. ca. 11. num. 1, & 3. fec. *Utlary*. But, in the beginning of Edward the Thirds Reign, it was resolved by the Judges, that it should not be lawful for any man, but the Sheriff only, (having lawful warrant therefore) to put to death any man Outlawed. *Coke on Litt. fo. 128. b.* See *Capias utlagatum*.

**Outparters**, (Anno 9 Hen. 5. ca. 8.) A kind of Theeves in *Ridefale*, that took Cattel or other Booty without that liberty: Others think they were such as lay in wait for robbing any Man or House. See *Intakers*.

**Overt-riders**, Are Bailiffs errant, employ'd by Sheriffs, or their Deputies, to ride to the farthest places of their Counties or Hundreds, with the more speed to Summon persons into their County, or Hundred Courts. Anno 14 Edw. 3. Stat. 1. ca. 9.

**Owelty**. See *Ouelty*.

**Oxgang of Land**, (*Bovata terra*) is commonly taken for fifteen Acres; Six Oxgangs of Land are as much as six Oxen will Plough. *Crompt. Jurisd.* fo. 220. *Bovatus terra*, i. *Quantum sufficit ad iter vel ælum unius bovis*. *Dr* enim est bos: gang vel gate, iter. See *Coke on Litt. fo. 69. a.*

**Ower & Terminer**, (Fr. *Ouir* & *Terminer*) Is a Commission especially granted to certain persons, for the hearing and determining one or more causes. This was wont in former times



times to be only in use upon some sudden Outrage or Insurrection in any place. See *Comp. Jurisd.* fol. 131. and *Westm.* 2. cap. 29. who might grant this Commission. And *Fitz. Nat. Br.* fol. 100. for the form and occasion of the Writ, and to whom it is to be granted. And *Brook* hoc titulo. A Commission of Oyer and Terminer is the first and largest of the five Commissions, by which our Judges of Assize do sit in their several Circuits. See *Assize*. In our Statutes it is often Printed Oyer and Determiner. See 4 *Inst.* fol. 162.

**Oyer de Record** (*Audire Recordum*) Is a Petition made in Court, that the Judges for better proof sake, will be pleased to hear or look upon any Record. So likewise to demand Oyer of a Bond, Deed, or Covenant.

**Oyez** (a corruption from the Fr. *Oyez*, i. Hear ye) Is well known to be used by the Cryers in our Courts, when they make Proclamation of any thing.

## P.

**Pagium.** *Matth. Paris*, fol. 763. Fecit equos meos & homines restare donec Pagium extorsisset. Passagium, scil. five telonium exactum pro transitu per alterius ditionem, says the *Gloss*.

**Pack of Wool** is a Horse-load, Which consists of Seventeen Stone, and two pound. *Fleta*, lib. 2. cap. 12. See *Sarplar*.

**Packers** (*Anno* 15 Car. 2. cap. 14.) Are those that barrel or pack up Herrings, and they are to be sworn to do it according to the said Statute.

**Packing Whites** (*Anno* 1 Rich. 3. cap. 8.) A kinde of Cloth so called.

**Pacification** (*Pacificatio*) *Anno* 17 Car. 1. cap. 17. A peace-making, quieting, or appeasing; relating to the Wars betwixt England and Scotland, *Anno* 1638.

**Pannage.** The same with *Pannage*. In *Charia Regis Hen. 1.* Ecclesia S. Martini de Bello.

**Pagaments.** A sort of Frize-cloth so called; I finde it in the Journal Book of the Lords House of Parliament, in a Statute of 1 *Eliz.* not Printed.

**Pain fort & dur** (Fr. *Peine fort & dure*) Signifies an especial punishment for those, that being arraigned of Felony, refuse to put themselves upon the ordinary tryal of God and the Countrey, and thereby are mute, or such in Interpretation of Law. This is founded upon *Westm.* 1. cap. 12. Note, that this strong and hard pain shall be in this manner inflicted.

**HE** shall be sent back to the Prison whence he came, and laid in some low, dark House, where he shall lie naked on the Earth, without any Litter, Rushes, or other Cloathing, and without any

Rayment about him, but only something to cover his Privy-members; and he shall lie upon his Back with his Head covered and his Feet; and one Arm shall be drawn to one quarter of the House with a Cord, and the other Arm to another quarter; and in the same manner it is to be done with his Legs, and then there is to be laid upon his Body Iron and Stone, so much as he may bear or move; and the next day following, he is to have three Morsels of Barley-bread without Drink, and the second day Drink three times, and as much at each time as he can drink of the Water, next to the Prison door, except it be Running Water, without any Bread: And this is to be his Diet until he die. *Stamf. Pl. Cor. lib. 2. cap. 60.*

**Pais.** (Fr.) A Countrey or Region. *Trial per pais*, quod non intelligendum est de quovis populo, sed de Compagnibus, hoc est, eorum qui ex eodem sunt Comitatu, quem majores nostri pagum dixerunt, & incolae inde Pais; g in i vel y converso. *Spelman* Glossar.

**Palatin.** See County Palatine.

**Palfrey** (*Palfredus*, *Palafredus*, & *Palefridus*, Fr. *Palefray*) Insignioris equi genus, nempe qui ad pompam aut honorem rectorum manu ducitur, vulgo *Palfrey*, ex Gal. Par le frain. And sometimes of old taken for a Horse for a Womans Saddle. *W. Fauconberge* tenebat Mancernium de Cukene in Com. Nott. in *Servientia*, per servitium ferrandi (of shoeing) *Palefredum Regis*, quando Rex venerit ad Mansfeld; says Camden, out of an ancient Inquisition. See *Coke* on *Litt.* fol. 149.

**Palfrey-silber.** — *Custumam ibidem* (i. at *Bevoir* Castle) vocat. *Palfrey-silber*, quae levare debet annuatim de *Villis* de *Botesford* *Normanton*, *Herdeby*, &c. & aliis *Hamletis*. *Eschaet.* 23 *Edw.* 3. Post mortem *Gul. de Roos* de *Hamlake*.

**Palingman.** (*Anno* 22 *Edw.* 4. cap. 23. and 11 *Hen.* 7. cap. 23.) Seems to be a Merchant Denizen; one born within the English Pale.

**Palls** (*Anno* 25 *Hen.* 8. cap. 20.) Arc Pontifical Vestures made of Lambs Wool, in breadth not exceeding three Fingers, and having two Labels hanging down before and behind, which the Pope gives or sends to Archbishops and Metropolitans, who wear them about their necks at the Altar, above their other Ornaments. The Pall was first given to the Bishop of *Osia* by P. Marcus the Second, *Anno* 336. And the Preface to an ancient Synod here in England, wherein *Odo*, Archbishop of *Canterbury* presided, begins thus — *Ego Odo humilis & extremus, divina largiente clementia, almi Praesulis & Pallii honore ditatus*, &c. *Seldens Hist.* of *Tithes*, p. 217.

**Palmetry** (*Anno* 1 & 2 *Phil.* & *Ma.* cap. 4.) A kinde of Divination practised by looking on the Lines and Marks of the Fingers and Hands; a deceitful art used by Egyptians, mentioned in the said Statute, and there misprinted *Palmystry*.

**Palmata.**

**Palmeta.** A handfull. *Johannes Dei gratia, Rex Angliae.* Sciatis nos pro amore Dei concessisse — *Leprosus* S. Egidii de *Salopesbiri*, quod habeant *Palmetas* biadi & farina de omnibus facis, qui cum blado & farina expantur ad vendendum in mercato *Salopesbiri*; tam diobus mercati quam aliis, sicut eas habuerunt tempore *Hen. Regis*, Patris nostri, de dono & elemosyna ejusdem Regis, sc. de unoquoque sacco biadi *Palmetas* duarum manuum, & de sacco farinae, *palmetas* unius manus, sicut eas habuerunt de dono & elemosyna praedicti Regis, diebus suis, & sicut eas vendebant & habere debent. Quare volumus, &c. Dat. per manum S. Praepositi *Beverlaci* & *Archid. Wellensis* apud *Widestoke*, xix. die *Marci* anno Regni nostri quinto.

**Pandoxatrix.** — Item utimur de *Pandoxatrix*, quod nemo potest brastare sive pandoxare in *Villa* & *Burgo* nostro, nisi per redemptionem aliquam factam ad voluntatem *Camburgen* sum nostrorum, & si talis *Pandoxatrix* brastaverit & *Assiam* Domini nostri Regis in *Burgo* & *Villa* positam & *Proclamatum* frugerit, tunc debet per *Balivos* amercari ad voluntatem *Balivorum* nostrorum, & non per pares suos primo & secundo, & si tertia *Vice* *Assiam* frugerit, debet capi per *Balivos* Capitales, & publice *Luci* ad locum ubi situatur *le Gogingstole*, & ibi debet eligere unum de duobus, viz. An velit *le Gogingstole* ascendere, an illud iudicium redimere ad voluntatem *Balivorum*. Ex *Codice MS.* de *Legibus*, *Statutis* & *Consuetudinibus* liberi *Burgi Ville de Mountgomery*, a tempore *Hen. 2.* fol. 12. b. In *Goldmans Dictionary*, I finde *Pandox*, for a Drunkard, or Swillbowl, and *Pandoxatorium*, a Brew-house: But *Pandoxatrix* here seems to signifie an Ale-wife, that both brews and sells Ale or Beer.

**Panel.** (*Fortescu* de *legibus Angl.* cap. 25. And *Coke* on *Litt.* pag. 158. b. write it *Panelum* in *Latine*; but *Sir H. Spelman* says, *Hoc minus congrue*, and deduces it from *Pagella*, g in n transiente, sic veteres quidam magnificent pro magnificent) A Schedule or Page; as a *Panel* of *Parchment*, or a Counterpane of an *Indenture*: But it is used more particularly for a Schedule or Roll containing the names of such Jurors, as the Sheriff returns, to pass upon any *Trial*. *Reg. of Writs*, fol. 223. a. *Kitchin*, fol. 226. And the *Empanelling* a Jury, is the entering their names by the Sheriff into a *Panel*, or little Schedule of *Parchment*, in *Panello* *Assiae*. *Anno* 8 *Hen.* 6. cap. 12.

*Haud recte D. Coke in Gloss. ad Littl. scil.* 234. who says, *Panel* is an English word, and signifies a little part; for a *Pane* is a part, and a *Panel* is a little part, &c. Thus *Spelman* on the word *Panel*.

**Pannage** or **Patonage** (*Pannagium*, Fr. *Panage* & *Pasnage*) Significat alimentum, quod in Sylvis Colligunt pecora, ab arboribus disappsum, as Mast of Beech, Acorns, &c. Also the Money taken by the Agistors for the Food of Hogs, with the Mast of the Kings Forest. *Comp. Jurisd.* fol. 155. *Westm.* 2. cap. 25. *Pawnage* (says *Manwood*), is most properly the Mast of the

Woods or Hedge-rows, or the Money due to the owner of the same for it. And *Linwood* defines it thus, *Pannagium est passus pecorum in nemoribus & in sylvis, utpote de glandibus & aliis fructibus arborum sylvestrium, quarum fructus alter non solent colligi. Tit. de Decimis.* Mentioned also *Anno* 20 *Car.* 2. cap. 3. *Quisque Villanus habens 10 porcos, eat unum porcum de Pannagio.* *Domestday*, tit. *Leominstre* in *Benefscipe*. This word in ancient Charters, is thus variously written, *Pannagium*, *Panagium*, *Pasnagium*, *Patnagium*, and *Paunagium*.

**Pape** (*Papa*, from the old Gr. *Παππς*, signifying a Father) Was anciently applied to some Clergy-men in the Greek Church; but by usage is particularly appropriated in the Latin Church to the Bishop of *Rome*, otherwise called the Pope. A name very frequent in our ancient Year Books, especially in the times of those Kings, who, too much abandoning their Imperial Authority, suffered an Outlandish Bishop, that dwelt One thousand miles off, to take from them the disposition of many Spiritual Preferments, sometimes by *Lapse*, sometimes by *Provision*, or otherwise. For redress whereof divers Statutes were made, whilst this Kingdom was of the *Roman* Communion; but his whole power was not taken away here, till towards the later end of *Henry* the Eighth's Reign.

**Parage** (*Paragium*.) See *Parcinerie*.

**Paramount** (Compounded of two French words, *Par*, i. per, and *monter*, ascendere) Signifies the highest Lord of the Fee. For there may be a Tenant to a Lord, that holds over of another Lord; the first is called *Lord Mesn*, the second *Paramount*. *Fitz. Nat. Br.* 135. *M.* Some hold that no Man can simply be *Lord Paramount*, but only the King; for he is *Patron Paramount* to all the Benefices in *England*. *Doktor & Student*, cap. 36. See *Mesn*.

**Paraphernalia** (in the Civil Law *Paraphernalia*) Are those Goods which a Wife, besides her Dower or Joynture, is after her Husbands death, allowed to have; as furniture for her Chamber, wearing Apparel, and Jewels, if she be of quality: Which are not to be put into her Husbands Inventory, especially in the Province of *York*. See *Touchstone of Wills*, fol. 201.

**Paravail** (*quasi*, per-avail) Signifies the lowest Tenant, or him that is immediate Tenant to the Land; and he is called *Tenant Paravail*, because it is presumed, he hath profit and avail by the Land. 2 *Inst.* fol. 296. See 9 *Rep.* *Cony's* Case.

**Parcelle terre**, A parcel or small pece of Land. *Sciatis* — quod ego *Stephanus* *Wington* de *Bromyard* Dedi — *Roberto* de *Donampton*, pro triginta solidis argenti unam parcelam terre mea cum pertinent: jacent in *Bromyard*, &c. *Sine* Dat.

**Parcel-maker.** Is an Officer in the *Exchequer* that makes the parcels of the *Escheators* accounts, wherein the *Escheators* charge themselves with every thing they have levied for

the Kings use, since they came in Office, and deliver the same to one of the Auditors of the Court, to make up the Escheators account therewith. See *Practise of the Exchequer*, p. 8. 99.

**Parceners** (quasi, Parcellers, i. Rem in Parcellas dividem. See *Coparceners*.)

**Parcinere** (Participatio, from the Fr. *Partir*, i. Dividuum facere.) Signifies a holding of Land Pro indiviso, or by Joyntenants, otherwise called *Coparceners*: For, if they refuse to divide their common inheritance, and chuse rather to hold it joyntly, they are said to hold in *Parcinery*. *Littl. fol. 56 & 57.* In *Domesday* it is thus said, Duo fratres tenuerunt in Paragio, quissque habuit aulam suam, & potuerint ire quo voluerint.

**Pardon** (Fr.) Is most commonly used for the remitting or forgiving a Felonious, or other offence committed against the King, and is twofold; one *Ex gratia Regis*, the other, *Per cours de ley*. *Stamf. Pl. Cor. fol. 47.* The first is that, which the King, in some special regard of the person, or other circumstance, gives, by his absolute Prerogative or Power. The other is that which the King granteth, as the Law and Equity perswades, for a light offence; as Homicide casual, when one kills a Man, having no such intent. See *New book of Entries*, verbo, *Pardon*.

**Park**, (*Parcu*) Fr. *Parc*.) Is a quantity of ground enclosed, and stored with wild beasts, tam sylvestres, quam campestres; which a man may have by prescription, or the Kings Grant. *Crom. Juris fo. 148.* A *Park* differs from a Chase or a Warren; for, a *Park* must be enclosed: if it lie open, it is a good cause of seizure of it into the Kings hands, as a free Chase may be if it be enclosed; and, the owner cannot have an Action against such as hunt in his Park, if it lie open. See *Forest. Guliel. Conq. liberam fecit Ecclesiam de Bello de opere Parcurum. Spel. vide 13 Car. 2. ca. 10.*

**Parco fracto**, Is a Writ that lies against him, who violently breaks a Pound, and takes out Beasts thence, which for some trespass done were lawfully impounded. *Reg. of Writs, fo. 166. and Fitz. Nat. Br. fo. 100.*

**Park-bote**, Is to be quit of enclosing a Park, or any part thereof. *4 Inst. fo. 308.*

**Parish**, (*Parochia*) Signifies the precinct, or territory of a Parish-Church, and the particular charge of a secular-Priest; For, every Church is either Cathedral, Conventual or Parochial. Cathedral is, where there is a Bishop seated, so called a Cathedral; Conventual consists of Regular Clerks, professing some Order of Religion, or of Dean and Chapter, or other Society of Spiritual men; Parochial is that, which is instituted for the saying of Divine Service, and Ministering the Holy-Sacraments to the People dwelling within the Parish, or a certain compass of ground, and certain Inhabitants belonging to it. Our Realm was first di-

vided into *Parishes* by Honorius Arch-bishop of Canterbury, in the year of our Lord 638. *Cam. Brit. pa. 160.* who reckons 9284 Parish-Churches under Bishops in England, but other Authors differ in the number.

**Parle-hill**. Collis vallo plerumque munitus in loco campestri, ne insidiis exponatur, ubi convenire olim solebant Centurie aut vicinia incolae ad lites inter se tractandas & terminandas. Scotis vocatur *Grith-hill*. q. Mons pacificationis, cui A-syli privilegia concedebantur. Vide Stat. Will. Regis Scot. ca. 5. Sect. 1. Et in Hibernia frequentes vidimus, the *Parle* and *Parling-hills*. *Spel.*

**Parliament**, (*Parliamentum*, from the Fr. *Parler*, loqui) Is the great Assembly of this Kingdom, consisting of the King and the three Estates of the Realm, viz. The Lords Spiritual, the Lords Temporal, and the Commons; for the Debating of Matters touching the Commonwealth, and especially the making and correcting Laws; which Assembly or Court is of all other the highest, and of greatest Authority, as you may read in Sir Tho. Smith de Repub. *Angl. & Cam. Britan. pa. 112.* Si vetustatem spectes, est antiquissima, si dignitatem, est honoratissima, si jurisdictionem, est capacissima. *Coke on Litt. lib. 2. ca. 10. Sect. 164.* And see his fourth Part *Inst. ca. 1.* This great Assembly was anciently called *Commune Concilium Regni Anglia*. As in an ancient Charter of King John — Nullum Scutagium vel auxilium ponam in regno nostro, nisi per Commune Concilium regni nostri, &c. The first Parliament in England, (according to Sir Richard Baker,) was held at Salisbury 19 April, 16 Hen. 1. But see *Cottons Postbume, fo. 15. and 2 Inst. fo. 268.* where there is mention of *Parliamentis* held long before that time.

The Abbot of Croyland was wont to call a *Parliament* of his Monks to consult about the affairs of his Monastery. *Croylandensis libri hae sunt verba, — Concessimus etiam tunc Serenissimi nostri Ecclesie Semanno de Lek; qui veniens coram Conventu, in nostro publico Parlamento, firmiter juramentum prestitit, quod fides & fidei nobis existerit, & Officium, &c.* And at this day the Community of the two Temples, or Inns of Court, do call that Assembly, A *Parliament*, wherein they consult of the common affairs of their several Houses. See *Crom. Juris fo. 1.* See *Royal assent*.

**Parliamentum intantum**, (so called in History) was a Parliament held at Oxford, Anno 41 H. 3. MS. in Bibl. Cotton sub tit. Vitellius. C. 9.

**Parliamentum indotogum**, Was a Parliament held at Coventry, 6 Hen. 4. Whereunto, by special precept to the Sheriffs, in their several Counties, no Lawyer, or person skill'd in the Law, was to come; and therefore it was so called: *Walsingh. pa. 412. n. 30. Rot. Parl. 6 Hen. 4.*

**Parol**, (Fr.) Is used in *Kitchin*, fo. 193. for a Plea in Court; and being joyn'd with *Lease*, as *Lease parol*, or *Lease per parol*, is, a Lease by

by word of mouth, contradicting d from one in writing.

**Parson**, (*Persona*) Signifies the Rector of a Church; because he for his time represents the Church, and sustains the person thereof, as well in suing, as being sued in any action touching the same. See *Fleta, lib. 9. ca. 18.* *Charta Hugonis Pufsey, (alias Pufsey & de Puteaco)* tempore Hen. 2. Hugo dei Gratia Dunelmensis Episcopus omnibus Archiepiscopis suis Clericis & laicis Episcopatus sui salutem. Sciatis nos ad Presentationem Roberti Capellani in Ecclesiam de Witefield, qua in feudo suo sita est, Canonice imperfonasse Robertum nepotem suum. Quare volumus & precipimus quatenus idem Robertus habeat & teneat Ecclesiam prænominatam libere & quiete, tam in decimis quam in ceteris obventionibus, sicut aliqui Clerici liberi & quietius in Episcopatu nostro Ecclesias suas teneant; Salvis in omnibus Episcopaliibus consuetudinibus. Testibus, &c. Endorsed thus, Presentatio Roberti de Witefield.

**Parson imparsonee**, (*Persona imperfonata*) Is the Rector that is in possession of a Church Parochial, he it presentative or impropriate, and with whom the Church is full; For, in the *New Book of Entries*, verbo, *Ad in Annuity*, you have these words, Et predictus A. dicit quod ipse est Persona predicta Ecclesia de S. imperfonata in eadem ad presentationem F. Patru-nisse, &c. So that Persona seems to be the Patron, or he that has right to give the Benefice, by reason, that before the Lateran Council, he had right to the Tythes in respect of his liberality in erecting or endowing the Church, Quasi sustineret personam Ecclesia; & Persona imperfonata, he to whom the Benefice is given in the Patrons right. For, in the *Reg. of Writs judicial*, fo. 34. b. *Persona imperfonata* is used for the Rector of a Benefice presentative and not appropriated; and *Dyer, fo. 40. num. 72.* says a Dean and Chapter, are *Parsons imparsones*, of a Benefice appropriated to them; who also (fo. 221. num. 19.) plainly shews, that persona imperfonata is he that is inducted, and in possession of a Benefice. So that Persona seems to be termed *imparsonata*, onely in respect of the possession he has of the Benefice or Rectory, be it appropriate or otherwise, by the act of another, *Coke on Litt. fo. 300. b.*

**Parters of Gold and Silber**. See *Finnors*.

**Partes finis nihil habuerunt**, &c. Is an Exception taken against a Fine levied. *Cokes Rep. lib. 3. Cafe of Fines.*

**Particata terra**. See *Perticata terra*.

**Partitione facienda**, (Anno 31 Hen. 8. ca. 1.) Is a Writ that lies for those, who hold Lands or Tenements pro indiviso, and would sever to every one his part, against him or them that refuse to joyn in partition, as *Coparceners*, or Tenants in *Gavelkind*. *Old Nat. Br. fo. 142. Fitz. Nat. Br. fo. 61. and New Book of Entries, verbo Partition.*

*Dorset. Placita de Juratis & Affis. Anno 16 Edw. 1. Motingh.*

**E**dwardus Raynel, Maria filia Roberti de Cam-ma, Johannes Bereset & Matilda uxor ejus & Johanna soror ejusdem Matilda petunt versus Johannem Alfrith de Warham unum Toftum cum pertin. in Warham, de quo Johannes Gerard, con-sanguineus predictorum Edwardi, Maria, Matilda & Johanna cujus heredes ipsi sunt, fuit scistus in dominico suo, ut de feodo, die quo obiit, &c. unde dicunt, &c.

Et Johannes venit & dicit, quod tenementa in Warham sunt partibilia inter masculos & femelas, & dicit quod predictus Edwardus habet quasdam Gunmoram, Matildam, Christianam, Albre-dam & Eufemiam sorores & participes ipsius Edwardi & aliorum petentium, & quae tantum jus habent in re petita sicut, &c. & quae non nominantur in brevi, &c. & Edwardus & alii non possunt hoc deducere: Ideo consideratum est quod predictus Johannes eat inde sine die, &c.

**Partie-Jury**, (Anno 14 Car. 2. ca. 11.) See *Medietas linguae*.

**Partlet**, (Anno 24 Hen. 2. ca. 13.) Was a kind of Band to wear about the necks both of Men and Women, now out of use.

**Parbise**. See *Perseife*.

**Parbo nocumento**, Is a Writ. See *Nu-jance*.

**Paschal Kents**, Are rents or yearly tributes paid by the inferior Clergy to the Bishop or Arch-Deacon at their Easter-Visitation; called also *Synodals*, which vide.

**Passage**, (*Passagium*) Is a French word signifying transitum, meum. In the Statutes 4 Edw. 3. ca. 7. and *Westm. 2. ca. 25.* It signifies the hire that a man pays for being transported over-Sea, or over any River. *Charta, Hen. 1. de libertat. London. — Et omnes res eorum per totam Angliam, & per portus maris de Theolonio & Passagio & Lastagio, & omnibus aliis consuetudinibus. Per Passagium clamat esse quiet. de omnibus passagiis in Com. Cestriae & Flins pro omnibus carrellis, cariag. equis, servientibus & summagiis suis oneratis. Pl. in Itin. apud Cestriam, 14 Hen. 7.*

**Pasqua**. See *Pasture*.

**Pascuage**, (*Pascuagium*, Fr. *Pasceage*.) Grasing, Feeding, or Pasturing of Cattel. — Et habere viginti porcos quietos de pascuagio, & suatium ad panem suum & ad cibos coquendos, &c. Carta Ric. de Muntfiche Priorat. de Tremhale in Mon. Angl. 2 par. fo. 23. 2. Also the same with *Pannage*.

**Passagio**, Is a Writ directed to the Keepers of the Ports, to permit a man to pass over Sea, who has the Kings Licence. *Reg. of Writs, fo. 193. b.*

**Passer-poit**, (compounded of two French words, *Passer*, i. Transire; & *Port*, i. Portus.) Signifies a Licence granted by any person in Authority, for the safe passage of any Man from one place to another. *Anno 2 Ed. 6. ca. 2*

**Pasture**,

**Pasture, (Pastura)** —Differunt *Pascua* & *Pastura*; nam *Pastura* omne genus pascendi significat, five fiat in pratis, five in stipula, five in agris, five in campis; sed *pascua* est locus principaliter deputatus pecoribus pascendis, ut puta in montibus, moris, mariscis & planis non cultis nec aratis. *Lindewode, lib. 3. Provin. Angl. tit. de Decimis, cap. 1. Quoniam.*

**Patentes, (Literæ patentes.)** Differ from *Writs*, *Crom. Jur. fo. 126.* The Coroner is made by *Writ*, not by *Patent*. See *Letters Patent* in the Table of the Register, where you shall find the form of divers.

**Patentee,** Is he, to whom the King grants his *Letters-Patent*, *Anno 7 Ed. 6. ca. 3.*

**Patria, Pro Compagnibus.** Sic in *Legum formulis*, ubi dicitur inquiratur per Patriam. Et *Affissa vel recognitio per Affissam, idem est quod recognitio Patriæ.* See *Bona patria.*

**Patron, (Patronus.)** Both in the Canon and Common Law, signifies him that has the gift of a Benefice; because the gift of Churches and Benefices originally belonged to such good men, as either built them, or endowed them with some great part of their revenue. *Patroni in Jure Pontificio dicuntur qui alicujus Ecclesiæ extruenda, aut alterius cujusunque fundationis Ecclesiasticæ Authores fuerunt, ideoque præsentandi & offerendi Clericorum jus habent, quem Ecclesiæ vacanti præfisse, & in ea collatis redditibus sui velint, &c. Corasius in Paraphr. ad Sacerdot. Materiam. Par. 1. cap. 2. & Par. 4. cap. 6.* Patron in the Civil Law is used for him that hath manumitted a servant; and with the Feudists it is used pro *auxiliare feudi*. *Hottoman, verbo, Patronus.*

**Pavilage (Rot. Pat. 10 Edw. 3. m. 32.)** Money paid towards the Paving of Streets or High-ways.

**Pavonage.** See *Pannage.*

**Pax Dei.** See *Peace of God.*

**Pax Ecclesiæ, Dicitur,** cum salva sunt Ecclesiæ omnia Privilegia & immunitates, servi, famuli, ministri, &c. Vide *LL. Edw. Confess. cap. 8.*

**Pax Regis,** The Kings Peace. —Nam longe debet esse Pax Regis a parte sua, ubi residens fuerit a quatuor partibus loci illius, hoc est quatuor miliaria & tres quarentena, & novem acra latitudine, & novem pedes, & novem palma, & novem grana bordet. *Multus, &c. LL. Edw. Confess. cap. 12. & LL. Hen. 1. See Peace of the King.*

**Peace (Pax)** In the general signification is opposite to War or Strife; but particularly with us, it signifies a quiet and inoffensive carriage or behavior towards the King and His people. *Lamb. Eiren. lib. 1. cap. 2. pag. 7.* Where any Man goes in danger of harm from another, and makes oath of it before a Justice of Peace; he must be secured by good Bond, which is called *Binding to the Peace.* See *Cromptons Just. of Peace, fol. 118. usque 129.* And see *Frank-pledge and Conservator of the Peace.* Time of Peace, is when the Courts of Justice are open, and the Judges and Ministers of the

same may by Law protect Men from wrong and violence, and distribute Justice to all. *Coke on Littl. fol. 249. b.*

**Peace of God, and the Church (Pax Dei & Ecclesiæ)** Was anciently used for that rest and cessation, which the Kings Subjects had from trouble and fute. of Law between the Terms. See *Vacation. Pax Dei, Tempus dicitur cultui divino adhibendum, eaque appellatione omnes Dies Dominici festa & Vigilia censentur. Spel.*

**Peace of the King (Pax Regis)** *Anno 6 Rich. 2. stat. 1. cap. 17.* Is that Peace and Security, both for Life and Goods, which the King promiseth to all His Subjects, or others, taken to his Protection. See *Suit of the Kings Peace.* There is also the *Peace of the Church*, for which see *Sanctuary*, and the *Peace of the Kings High-way*, which is the immunity that the Kings High-way hath from annoyance or molestation. See *Watling-street.* The *Peace of the Plough*, whereby the Plough and Plough-Cattle are secured from Distresses; for which, see *Fitz. Nat. Br. fol. 90.* So Fairs may be said to have their *Peace*; because no Man may in them be troubled for any Debt, elsewhere contracted.

**Pectoral** (*14 Car. 2. cap. 3.*) Armor for the Breast, a Breast-plate, or Petrel; from the Lat. *Pectus*, a Breast.

**Peculiar (Fr. Peculier, i. private, proper, ones own)** Is a particular Parish, or Church, that hath jurisdiction within it self, for Probate of Wills, &c. exempt from the Ordinary and Bishops Courts. The Kings Chappel is a *Regal Peculiar*, exempt from all Spiritual Jurisdiction, and reserved to the Visitation, and immediate Government of the King himself, who is supreme Ordinary. It is an ancient Privilege of the See of Canterbury, that whereforever any Mannors or Advowsons do belong to it, they forthwith become exempt from the Ordinary, and are reputed *Peculiars*, and of the Diocess of Canterbury.

**Pecunia** was anciently used for Cattle, and sometime for other Goods, as well as Money. —*Interdicimus etiam ut nulla viva Pecunia vendantur aut emantur, nisi infra civitates, & hoc ante tres fideles testes. Emendat. Wil. 1. ad Leges Edw. Confess. — Qui habuerit 30 denariatus vivæ Pecuniæ. And in Domesday Pecunia is often used pro Pecude.*

**Pedage (Pedagium & Pedaticum)** Signifies Money given for the passing by Foot or Horse through any Countrey. *Pupilla Oculi parte 9. cap. 7. Pedagium a pede dictum est, quod a transeuntibus solvitur, &c. Cassan. de Conf. Burgun. pag. 113. Pedagia dicuntur quæ dantur a transeuntibus in locum constitutum à Principe. Spel.*

**Pera** (*Pera, Fr. Pierre, Saxum, quod e Saxis fieri solebat*) Is a Fortrefs made against the force of the Sea, or great Rivers, for the better security of Ships that lie at Harbor in any Haven. So is the Peer of Dover described in *Cam. Britan, pag. 259. Anno 14 Car. 2. cap. 27.*

**Perage,**

**Perage,** The Dignity of the Lords or Peers of the Realm; also, An Imposition for maintenance of a Sea-Peer.

**Pera (Pares)** Are those that are empanelled in an Enquest upon any Man, for the convicting or clearing him of any offence, for which he is called in question. And the reason is, because the custom of our Nation is, to try every Man in this case by his equals or Peers. *Westm. 1. cap. 6. So Kitchen useth it fol. 78. in these words — Mais si le amerement soit assire per pares —* But this word is chiefly used for those that are of the Nobility of the Realm, and Lords of the Parliament. *Stamf. Pl. Cor. lib. 3. cap. Trial per les Peers.* The reason whereof is, because, though there be a distinction of degrees among our Nobility, yet in all publick actions they are equal, as in their voices in Parliament, and in passing upon the tryal of any Nobleman.

**Pegen.** See *Forathe.*

**Pein fort & dure.** See *Pain fort & dure.*

**Pelfe (Pelfra)** —*Ibo. Venables Arm. Clamat (quod si aliqui tenent, sine resident, infra Dominium sive Manerium de Kinderton feloniam fecerit, & corpus ejus per ipsum Ibomam super factum illud captum, & contrivit fuerit) habere Pelfram: Viz. Omnia bona & cattalla bujusmodi seiscire: Et ea quæ Domino Comiti pertinent ad Castrum Cestria præsentare, & habere omnia invent. domestica, & de omni genere boum, vaccarum, boviculorum, juvenicarum, porcorum, bidentium unum viz. melius: Et si de aliquo genere non habuerit nisi unum, clamare habere illud unum, cum aliis minutis animalibus, ut gallis, gallinis, aucis & bujusmodi, & omnes pannos talliat, & attanias, & omnes carnes attanias. & totum brasium infra unum quarterium, & omnia blada inventa infra unum quarterium; & de quolibet tasso bladi clamare habere Groundstall integrum cujusunque tassi, & totum plumbum extra fornacem, & omnia vasa lignea, omnes mappas, manutergia, & omnia ad lectum pertinent. linea & lancea, & omnes carrucas ferro non ligatas, & omnes carrucas cum tota apparura, &c. Plac. in Itin. apud Cestriam 14 Hen. 7.*

**Pellota (Fr. Pelote)** The Ball of the Foot: *Talis autem expeditio (viz. canum) fiat per assisam communiter usitatum, viz. quod tres ortelli abscondantur, sive pellota de pede anteriori. Char. de Foresta, cap. 7. See Cokes Instit. 4 part. fol. 308.*

**Peltwool,** Is the Wool pulled off the Skin or Pelt of a dead Sheep. *Anno 8 Hen. 6. cap. 22.*

**Penigeldum,** Denarii alicujus ex quavis consuetudine pro facultate aliqua, vel privilegio habendo, puta in foresta aut aliis Spel.

**Pensions,** A certain course Woollen Cloth, mentioned *Anno 43 Eliz. cap. 10.*

**Penne.** See *Bay.*

**Pennon (Fr. Pennon)** A Standard, Banner, or Ensign carried in War. *Anno 11 Rich. 2. cap. 1.*

**Pension (Pensio)** That which in the Two Temples, is called a Parliament, in *Lincolns-*

*Inn, a Council; in Greys-Inn, is called a Pension; that is, an Assembly of the Members of the Society, to consult of the Affairs of the House. And Pensions are in the Inns of Court, certain annual payments of each Member to the House.*

**Pension-Writ.** When a *Pension-Writ* is once issued, none, sued thereby in an Inns of Court, shall be discharged or permitted to come in Commons, till all duties be paid. *Order in Greys-Inn.* Whereby it seems to be a Writ issued out against those of the Society, who are in arrear for *Pensions*, and other duties.

**Pentecostals (Pentecostalia)** Were certain pious Oblations made at the Feast of *Pentecost*, by Parishioners to their Parish Priest, and sometimes by Inferior Churches or Parishes, to the Principal Mother-Church. Which Oblations were also called *Whitson Earthings*, and were divided into four parts; one to the Parish Priest, a second to the poor, a third for repair of the Church, and the fourth to the Bishop. *Stephens of Procurations and Pentecostals.*

**Peny (Sax. Penig)** Was our ancient current Silver. *2 Inst. fol. 575. — Et quod sint quieti de omnibus misericordiis, & Warda, & Ward-peny, Aberpeny, & Hundred-peny, Tithing-peny, & Bozthal-peny, & de omnibus operibus Castellorum, Pontium, &c. Char. Hen. 7. Ab. & Convent. Eccles. S. Petri Westm. Anno 19 Regni.*

**Per, cui & Post.** See *Entry.*

**Perambulation of the Forest,** Is the Surveying or walking about the Forest, or the utmost limits of it, by certain Justices or other Officers thereto assigned, to set down the Metes and Bounds thereof, and what is within the Forest, and what without. *Anno 17 Car. 1. cap. 16. And 20 Car. 2. cap. 3. See 4 Inst. fol. 30. And see Furlue.*

**Perambulatione Facienda,** Is a Writ, that is sued out by two, or more Lords of Mannors, lying near one another, and consenting to have their bounds severally known; and is directed to the Sheriff, commanding him to make *Perambulation*, and to set down their certain limits. See *Fitz. Nat. Br. fol. 133. And the New Book of Entries, verbo, Perambulatione facienda.*

**Perabil.** See *Paravall.*

**Perch (Pertica)** Is used with us for a Rod or Pole of Sixteen foot and a half in length, whereof Forty in length, and four in breadth, make an Acre of Ground. *Crompt. Juris. fol. 222. But several Counties differ herein, as in Staffordshire Twenty four foot; in the Forest of Sherwood Twenty five foot go to the Perch. In Herefordshire a Perch of Walling is Sixteen foot and a half; a Perch of Ditching Twenty one foot, &c. See Skene, verbo, Perticata terra. In Honore de Montgomery terra assartanda per Perticam Regis 24 Pedum. Claus. 11 Hen. 3. m. 6. In Foresta de Cant Pertica 25 Pedum. Int. Plac. Hill. 10 Edw. 2. Staff. 36. See Pes Foresta. — Per Perticam 20 Pedum in Foresta nostra de Clarendon. Mon. Angl. 2 Par. fol. 273. b.*

Ccc

Per.

**Pardonatio utlagaria.** Is a pardon for him, who, for contempts in not coming to the Kings Court, upon His Command and Process, is outlawed, and afterwards of his own accord yields himself to Prison. *Reg. of Writs, fol. 28. LL. Edw. Conf. cap. 18. & 19.*

**Pere & Pite.** *Si quis autem contra primarium pugnauerit, in placito emendet secundum pretium sui ipsius, quod Angli Pere & Pite dicunt, & solvat primario 40 fol. Constitut. Canuti de Foresta, cap. 17. Restituit autem Were & Witte, Saxonice pepe & pite. See Were.*

**Peremptory** (*Peremptorius*) Joined with a Substantive, as *Action* or *Exception*, signifies a Final and Determinate Act, without hope of renewing or altering. So Fitzherbert calls a *Peremptory Action*. *Nat. Br. fol. 35. & 38. And Nonfuit Peremptory, fol. 5. A Peremptory Exception.* *Bracton, lib. 4. cap. 20. Smith de Repub. Angl. calls that a Peremptory Exception, which maketh the State and Issue in a Cause.*

**Perinde balere.** Is a Dispensation granted to a Clerk, who being defective in his capacity to a Benefice, or other Ecclesiastical Function, is *De Facto*, admitted to it. And it takes appellation from the words, which make the faculty as effectual to the party dispensed with, as if he had been actually capable of the thing, for which he is dispensed with, at the time of his admission. *Anno 25 Hen. 8. cap. 21. it is called a Writ.*

**Perjury** (*Perjurium*) *Est mendacium cum juramento firmatum* 3 Is a crime committed, when a lawful Oath is minished, by any that hath authority, to any person in any Judicial proceeding, who sweareth absolutely and falsely in a matter material to the Issue or Cause in question, by their own act, or by the subornation of others. And if a Man call me *Perjur'd Man*, I may have my Action upon the Case; because it must be intended contrary to my Oath, in a Judicial proceeding; but for calling me a *Forsworn Man*, no Action lies, because the forswearing may be *Extra judicial*. *Cokes Inst. 3 Part. fol. 163. 23 Hen. 8. cap. 2. Excepted out of the Act of General Pardon, 12 Car. 2. cap. 8. How punished in Wales. Anno 26 Hen. 8. cap. 4. And 5 Eliz. cap. 9.*

**Per my & per tout.** A Joyn't-tenant is said to be seised of the Land he holds, jointly *Per my & per tout*. i. He is seised by every parcel, and by the whole. *Littl. sect. 288. Totum tenet & nihil tenet, sc. totum conjunctim & nihil per se separatim.* *Bract. lib. 5. 430.*

**Permutatione Archidiaconatus & Ecclesie eidem annexæ cum Ecclesia et Beneficiis.** Is a Writ to an Ordinary, commanding him to admit a Clerk to a Benefice, upon exchange made with another. *Reg. of Writs, fol. 307.*

**Pernor of Profits** (From the Fr. *Preneur*, a Taker or Receiver) Is he that takes or receives the Profits. *Anno 1 Hen. 7. cap. 1. Pernour de profits, & c. sibi quo use, is all one. Coke, lib. 1. Casu Chudley, fol. 123. See the Statute 21 Rich. 2. cap. 15. And Coke on Littl. fol. 589. b.*

**Pernancy** (from the Fr. *Prendre*, to take) A taking or receiving. *Tithes in Pernancy, i. Tithes taken, or that may be taken in kinde.*

**Per quæ servitia.** Is a Writ Judicial, issuing from the Note of a *Fine*, and lies for the Cognizee of a Mannor, Seignior, Cheif Rent, or other Services, to compel him that is Tenant of the Land at the time of the Note of the *Fine* levied, to attend him. *West, part 2. Symbol. tit. Fines, sect. 126. See the New Book of Entries.*

**Perquisite** (*Perquisitum*) Signifies any thing gained by ones own industry, or purchased with ones own Money; contradistinguished from that which descends to one, from Father, or other Ancestor; as *Perquisitum facere, in Bracton, lib. 2. cap. 30. num. 3.*

**Perquisites of Court.** Are those profits that arise to the Lord of a Mannor, by virtue of his Court Baron, over and above the certain and yearly profits of his Land, as *Fines of Copiholds, Hariots, Amerciements, Waiffs, Estrays, &c.* *Perkins, fol. 20. & 21.*

**Personable** (*Personabilis*) Signifies as much as enabled to hold or maintain Plea in a Court: As, the Demandant was judged *Personably* to maintain this Action. *Old Nat. Br. fol. 142. And in Kitchin, fol. 214. The Tenant pleaded, that the Wife was an alien born in Portugal, without the ligeance of the King, and judgment was asked, Whether she should be answered. The Plaintiff saith, she was made Personable by Parliament, that is, as the Civilians would speak it, Habere personam standi in iudicio. Personable is also as much as to be of capacity to take any thing granted or given. *Plowden, Casu, Colthip, fol. 27. b.**

**Personal** (*Personalis*) Being joyned with things, Goods, or Chattels, as *Things personal, Goods personal, Chattels personal*, signifies any moveable thing belonging to any Man, be it quick or dead. So it is used in *West, part 2. Symbol. tit. Indictments, sect. 58. in these words. Theft is an unlawful Felonious taking away another Mans moveable personal Goods. And Stamford, Cor. fol. 25. Contrectatio rei aliene is to be understood of things personal, for in things real it is not felony, as the cutting a Tree is not Felony. See Chattels.*

**Personal Tithes.** Are Tithes paid of such Profits as come by the Labor and Industry of a Mans person; as by buying and selling, gains of Merchandise and Handicrafts-men, &c. See Tithes.

**Personality** (*Personalitas*) Is an abstract of Personal. The Action is in the Personality (*Old Nat. Br. fol. 92.*) That is, brought against the right person, or the person against whom in Law it lieth.

**Persons ne Prebendariis ne serott charges as Quindimes, &c.** Is a Writ that lies for Prebendaries, or other Spiritual Persons, being distrained by the Sheriff or Collectors of Fifteenths, for the Fifteenth of their Goods, or to be contributory to Taxes. *Fitz. Nat. Br. fol. 176.*

**Perticata**

**Perticata terra.** Is the fourth part of an Acre; *Cominet in integra superficie 40 Perticas. See Perch.*

**Perticulas.** The King granted to Luke Macginn de Insula de Man Scholari, quandam Eleemosinam vocatam *Perticulas*, ad sustentationem cujusdam pauperis Scholarii de Insula predicta ad exercendum Scholas, per Progenitores nostros, quandam Reges Angliæ datam & concessam. *Pat. 5 Hen. 4. m. 16.*

**Pertinens.** Was anciently used *Pro cognatione vel consanguineo.* — *Si quis cum pertinente sua jaceat, emendet hoc secundum cognationis modum; sit vera, sit falsa, sit omni pecunia. LL. Canuti. MS. ca. 48.*

**Perbise, or Parbise.** (*Perbiseus, Parbiseus*) non a parvus adiect sed a Gal. le parvis. — *Sed tunc placitantes (i. Post meridiem) Se deberunt ad Perbiseum, & alibi consulentes cum Servientibus ad legem & alii Consiliariis suis. Forseteu de laudibus LL. Angl. ca. 51. pa. 124. of which thus Chaucer. Prolog. 9.*

**A Serjeant at Law, ware and wisse, That often had been at the Parbise.**

*Nam ibi Legis periti convenere, ut Clientibus occurrerent, non ad tyrocinia Juris, quas Motas vocant, exercenda, sayes Spelman. Selden (in his Notes on Forseteu, pa. 56.) sayes, It signifies an afternoons Exercise, or Moot for the instruction of young Students, bearing the same name originally with the Parvise in Oxford. Mr. Sumner sayes Perbise signifies Palatii atrium vel area illa, a fronte Aula Westm. bodie the Palace-yard, vulgo nuncupata. See his Gloss. in x. Scriptores, verbo, Tristorium.*

**Pes forestæ.** Notandum est quod Pes Forestæ usitatus tempore Ric. Oysell in arrentatione vastorum, factus est, signatus & sculptus in pariete Cancellie Ecclesie de Edwynstone & in Ecclesia B. Maria de Nottingham; Et dictus Pes continet in longitudine octodecim Pollices. Et in arrentatione quorundam vastorum, Pertica 20, 21 & 24 pedum usita fuit, &c. *Ex Regist. Abb. de novoloco in Com. Nott.*

**Pesage,** (*Pesagium*) Custom paid for weighing Wares or Merchandise. *MS. temp. E. 3. For Peisa we find used for Pondus; hence to Peise or Poise, Ponderare.*

**Pessona.** *Maist. Md. quod anno regni Regis Hen. filii Regis Joh. 37. Dominus de Fretchevil & homines sui in bosco de Derley, apud Cruche, Pessonam, scil. glandes & nuces, virgæ & cortis excussisset; & quævela inde deducta in Comitatu, &c. Anno gratia. MCCLXIII. Mon. Angl. 2 Par. fo. 231. b. So tempore Pessona often occurs, for Maist-time, or the season when Maist is ripe; which, in Norfolk, they call Shacking-time. — Quod habeat decem porcos in tempore de Pesson in boscome, &c. fo. 113. 10.*

**Pestorable wares.** Seem to be such Wares or Merchandise as *pester*, and take up much room in a Ship. *Anno 32 Hen. 8. ca. 14.*

**Peter-Corne** — *Rex Athelstanus concessit Deo & beato Petro Ebor. & Colideis predictis de*

*qualibet Caruca avante in Episcopatu Eboraci unam Travam bladi, Anno Domini 936; quæ usque in presentem diem dicitur Peter-corne. Ex Reg. S. Leonardi Ebor. in Bibl. Cottoniana. fo. 5. a.*

**Peter-pence,** (*Denarii Sancti Petri*) otherwise called in the Saxon *Romepenn*, i. The Fee of Rome, also *Rome-scot*, and *Rome-penneng*, was a Tribute given by Inas King of the West-Saxons, being in Pilgrimage at Rome in the year of our Lord 720, towards the maintenance of a Saxon-School, which was a *Penny* for every house. *Lamb. Expl. of Saxon words, verbo Nummus. And fo. 128. in St. Edwards Laws, num. 10. thus — Omnes qui habent 30 denarios viva pecunia in domo sua, de suo proprio, Anglorum lege dabit Denarium Sancti Petri, & lege danorum, dindidam markam: Ille vero denarius debet summoniri in solemnitate Apostolorum Petri & Pauli, & colligi ad festivitatem, quæ dicitur ad Vincula, ita ut ultra illum diem non detineatur, &c. King Edwards Lawes, fo. 78. ca. 4. contain also a sharp constitution touching this matter. See Rome-scot.*

**St. Peter ad vincula,** (*Anno 4 Edw. 4. ca. 1. & 17 Ed. 4. ca. 5.*) See *Gule of Augsburg.*

**Petit cape.** See *Cape.*

**Petit larceny,** (*Parvum latrocinium.*) See *Larceny.*

**Petit-treason,** (*Fr. Petit trahizon. i. Proditio minor.*) Is Treason of a lesser or lower kind; For, whereas High-Treason is an offence committed against the person of the King, and the security of the King and Commonwealth: *Petit-Treason* is, where a Servant kills his Master, a Wife her Husband, a Secular, or Religious Man his Prelate, *Anno 25 Edw. 3. ca. 2. whereof see Cromptons Just. of P. fo. 2. And, for the punishment of it, the Stat. 22 Hen. 8. ca. 14.*

**Petition,** (*Petitio*) Signifies in general a Supplication made by an Inferior to a Superior, and especially to one having Jurisdiction, *Anno 13 Car. 2. ca. 5.*

**Petra lana,** A Stone of Wool. See *Stone.*

**Petty-fogger,** (from the Fr. *Petite*, Small; and Sax. *Fogge*, a Wooser, Suiter, or Solliciter) A silly Advocate, a petty Attorney, or Lawyer; or rather a trouble-Town, having neither Law nor Conscience.

**Pharos.** A Watch-tower. — *No man can build or erect Light-houses, Pharos, Sea-marks, or Beacons, without lawful warrant and authority. 3 Inst. fo. 204.*

**Phlizer.** See *Filazer.*

**Picards.** A kind of great Boats of fifteen Tun or upwards, on the River Severne, mentioned 34 & 35 Hen. 8. ca. 9. Also a Fishers boat, *Anno 13 Eliz. ca. 11.*

**Picage,** (*Picagium*, from the Fr. *Piquer*, i. *Estringere, Effodere*) Money paid in Fairs to the Lord of the Soil, for leave to break the ground to set up Booths, Stalls or Standings.

**Picage,**



**Picage.** i. *Aliquis veniens ad forum nostrum de Rudham cum rebus suis, & frangendo vel pillando aliquam placam in dicto foro, Prior habebit inde redemptionem. Ex registro Priorat. de Cokesford.*

**Pickards.** — **No Person shall use any Iron Cards, or Pickards, in robbing any Woollen Cloth, upon pain to forfeit the same, and 11 s. for every offence.** Anno 3 & 4 Edw. 6. ca. 2.

**Picle,** alias **Pightel,** ( *Picellum & Pightellum* ) A small parcel of Land enclosed with a hedge, a little Close; perhaps from the Italian *Picciola*, i. *Minutus*; which the common people in some parts of England do usually call a *Pingle*.

**Piepotoder Court,** ( *Curia pedis pulverisati* ) From the Fr. *Pied*, i. *Pes*, & *Poudreux*, i. *Pulverulentus* ) Is a Court held in Fairs, to yield Justice to Buyers and Sellers, and for redress of all disorders committed in them. So called, because they are most usual in Summer, and Suters to this Court are commonly Country Clownes with dusty feet; or, from the expedition intended in the hearing of Causes proper thereunto, before the dust goes off the Plaintiffs and Defendants feet. Of this Court read the Statute 17 Edw. 4. ca. 2. 4 Inst. fo. 272. and *Crompt. Jur. fo. 221*. This among our old Saxons was called *Ceapung-gemot*, i. a Court for Merchandise, or handling matters of buying and selling. See *Justices of the Pavilion*.

**Pig of Lead.** See *Fother*.

**Pike or Pick.** See *Polein*.

**Pille of Foddraz, or Fouldzey,** In the County of Lancaster, Anno 2 Hen. 6. ca. 5. seems to be a defence built on a Creek of the Sea, and called *Pille*, by the Idiom of the Country, for a Pile or Fort, built for the safeguard or protection of any place. This Pile was erected there by the Abbot of Furness in the first year of Edw. 3. *Cam. Brit. Rex* — *De dimis Henrico Comiti Northumb. Insulam, Castrum, Pelam & Dominium de Man, &c. Rot. Pat. 1 Hen. 4. m. 36.*

**Pillory.** ( *Collustrigium*, q. *Collum fringens*. *Pilloria*, from the Fr. *Pilleur*, i. *Depeculator* ) Is an Engin made of Wood to punish Offenders, well known. By the Statute of 31 Hen. 3. you may see who were then subject to this punishment. In the Laws of *Canutus*, ca. 42. it is called *Halsfange*. Sir Henry Spelman says, 'tis *Supplicii Machina ad ludibrium, magis quam pœnam*. — Item utimur tenere Statuta Pistorum omnino sicut antecessores nostri tenebant, viz. Quod si Pistor in male agendo puniatur per tres vices, & si post tertiam monicionem culpabilis inveniat, Balvi Capitalet, si ipsum poterint invenire, ipsum capiant & pro toto puniant, & habebit vile & odibile Judicium de Collustrigio, i. the *Pillory*. MS. Codex de LL. & Consuetud. Burgi-villæ Montgome. a temp. Hen. 2. fo. 12. b. See *Halsfange*.

**Pioneers,** (Fr. *Pionniers*, i. *Esfiores* ) Such Labourers as are taken up for the Kings Army,

to cast up Trenches, or undermine Forts. Anno 2 & 3 Ed. 6. ca. 20.

**Pipe,** ( *Pipa* ) Is a Roll in the Exchequer, otherwise called the great Roll, Anno 37 Ed. 3. ca. 4. See *Clerk of the Pipe*. It is also a Measure of Wine or Oyle, containing half a Tun, that is, six score and six Gallons, *An. 1 R. 3. ca. 3.*

**Pirate,** ( *Pirata* ) Is now generally taken for one who supports himself by Pillage and Depredation at Sea, a Sea-rover. But, in former times the word was sometimes attributed to such person to whose care the Mole or Peer of any Haven, (in Latin *Pera* ) was intrusted; and sometimes also taken *pro milite maritimo*, according to the learned *Spelman*; mentioned 13 Car. 2. ca. 6. and the punishment of them, Anno 28 Hen. 8. ca. 15.

**Piscarp,** ( *Piscaria* ) From the Fr. *Peschavie*, i. *Piscatio* ) Is a liberty of fishing in another Mans waters.

**U**niversis presentes literas inspecturis Edmundus filius inclite recordationis Henr. Regis Anglie salutem. Sciatis nos dedisse & concessisse Henrico Horweyn de Hustokebater totam Piscariam nostram in stagno nostro supra molendinum suum de Hustokebater. Habendum, &c. In cujus rei Testimonium presentis scripto, in modum Cyrographi confecto, nos & dictus Henr. sigilla nostra alternatim apposuimus. Dat. apud Lutetiam. per manum Hugonis de Gien Clerici nostri octavo die Julii, Anno regni Regis Edwardi germani charissimi xi. Penes Walterum Kirkham-Blount Bar.

**Pitance,** ( *Pitancia* ) A small repast, or a little refectory of Fish or Flesh. *Joannes dei gratia, &c. Noverit, &c. nos assensum nostrum præbuisse, &c. de manerio de Mildenhall, quod manerium Sancto Edmundo, sicut jus suum concessimus, &c. ita quod qui, pro tempore sacrista fuerit, 12 s. de redditu Altaris annuatim persolvat Hospitali S. Salvatoris quod est extra muros Sancti Edmundi, &c. in usus pauperum, &c. & 40 s. ad refectorem monachorum, qui illi dictus Officia divina pro defunctis celebrabunt, quæ refectio Pitancia vocatur. Rot. Cart. de Anno 1. Regis Joh. pa. 2. Num. 115.*

**Pitching-pence,** Is that Money, commonly a Penny, which is paid for pitching, or setting down every bag of Corn, or pack of any other Merchandise in Fairs or Markets.

**Placard,** (Fr. Anno 2 & 3 Ph. & M. ca. 7.) Is a Licence whereby a man is permitted to shoot in a Gun, or to use unlawful Games; In French it signifies a Table, wherein Laws, Orders, &c. are written and hung up. And **Placcaert** in the Low-Dutch is an Edict or Proclamation.

**Placeta,** I have seen in several Deeds of Edward the Thirds dayes, Grants of *Placeta Messuagii*, *Placeta prati*, & *Placeta pastura*; and seems to signify a Piece or Parcel, if of Lands; and a Place, if a House or Messuage.

**Plaint,** (Fr. *Plainte*, Lat. *Querela* ) Is the propounding or exhibiting any action real or per-

sonal, in Writing: So it is used in *Brooke*, tit. *Plaint in Assize*. And the party making this *Plaint* is called *Plaintiff*; *Kitchin*, fo. 231.

**Plate,** A Hoy, or Water-Vessel so called. Anno 13 Eliz. ca. 15.

**Plea,** (From the Sax. *Pleo*, or *Pleo*), i. *Juris abiv*) Signifies that which either party alleges for himself in Court, which from the Conquest was done in French, till Edward the Third ordained them to be pleaded in English, but to be entered and recorded in Latin. *Anno 36. ca. 15.* They are divided into *Pleas of the Crown*, and *Common-Pleas*; *Pleas of the Crown* are all Sutes in the Kings name against offences committed against his Crown and Dignity. *Stamf. Pl. Cor. ca. 1.* or against his Crown and Peace. *Smith de Repub. Ang. lib. 2. ca. 9.* And those seem to be Treasons, Felonies, Misdemeanors of either, and Mayhem, *Cokes 4 Part Inst. ca. 10.* — Edward the First enclosed *Walter de Burgo* in the Land of *Ulster* in Ireland, &c. excepting the *Pleas of the Crown*, to wit, Rape, Forfeal, willful Firing, and Treasure trove. *Cam. tit. Ireland.* *Common-pleas* are those that are agitated between common persons; yet by the former definitions those must comprize all other, though the King be a party. *Plea* may farther be divided into as many branches as Action, for they signifie all one. Then is there a *Forrein Plea*, whereby matter is alledged in any Court that ought to be tried in another. As if one lay Bastardy to another in a Court Baron, *Kitchin*, fo. 75. By the Law of Scotland four Crimes are called the four Points or Pleas of the Crown; *Willful Firing*, *Ravishing of Women*, *Murder* and *Robbery*, or *Riefe*. *Skene*.

**Pleas of the Sword,** ( *Placita ad gladium* ) *Ranulph* the Third, Earl of Chester (2 Hen. 3.) granted to his Barons of *Cheshire* an ample Charter of liberties, *Exceptis placitis ad gladium meum pertinentibus, &c. Rot. Pat. in archivis regis infra Castellum Cestrie, 3 Ed. 4. m. 9.* The reason was, because King *William* the First gave the Earldom of *Cheshire* to his Kinsman *Hugh*, commonly called *Lupus*, ancestor to this Earl *Ranulph*, tenere ita libere per gladium, sicut ipse Rex *Willielmus* tenuit *Angliam* per Coronam. And consonant thereunto, in all Inditeaments for Felony, Murder, &c. in that County-Palatine, the Form was anciently — *Contra pacem Domini Comitiss, Gladium & dignitates suas.*

**Pledge,** ( *Plegius* ) Fr. *Pleige*, i. *Fidejussor* ) A Surety or Gage; and *Plegiatio* was used for the act of suretiship. *Pleiger* aucup, i. *Fide juber pro aliquo. Glanville, lib. 10. ca. 5.* *Plegii dicuntur persona qui se obligant ad hoc, ad quod qui eos mittit tenebatur. Grand Cust. Norm. ca. 60.* This word *Plegius* is sometimes used also for *Frankpledge*, as in the end of *William the Conquerors Laws*. *Omnis homo qui voluerit se teneri pro libero, sit in Plegio, ut plegius eum habeat ad justiciam, si quid offenderit, &c.* And these are called *capital pledges*. *Kitchin*, fo. 10. See *Frankpledge*, and 4 Inst. fo. 180.

**Plegius acquietandis,** Is a Writ that lies

for a Surety against him for whom he is Surety, if he pay not the Money at the day, *Fitz. Nat. Br. fo. 197. Reg. of Writs, 158.*

**Plena forisfactura,** and *Plena vita.* See *Forfeiture*.

**Plenary,** Is an abstract or the adjective *plenus*, and is used in matters of Benefices; wherein *Plenary* and *Vacation* are directly contrary. *Stamf. Prærog. ca. 8. fo. 32. Westm. 2. ca. 5.* Institution is a good *plenary* against a common person, but not against the King, without induction. *Coke on Litt. fo. 344.*

**Plebin,** ( *Plevina*, From the Fr. *Plevine*, i. A warrant, or assurance. ) See *Replevin*.

**Pitte of Laton,** ( Anno 3 Ed. 4. ca. 5. ) Seems to be a Measure then in use, as *Yard* or *Ell* now.

**Plonketers,** ( Anno 1 Rich. 3. ca. 8. ) A kind of coarse Woollen Cloth, otherwise called *Vervise*.

**Plow-almes,** ( *Eleemofina aratiles* ) Which was anciently 1 d. paid to the Church for every Plow-land. — *De qualibet Caruca juncta inter Pascha & Pentecostem unum denarium, qui dicitur Plow-almes, 1. Par. Mon. Ang. fo. 256.*

**Plow-land,** ( *Carucata terra* ) The same with a *Hide of Land*, which vide.

**Plurality,** ( *Pluralitas* ) Anno 21 Hen. 8. ca. 13. *Moreselle*, or the having more than one; most applied to such Churchmen, who have more Benefices, than one. *Selden* in his *Titles of Honor*, fo. 127. mentions also *Triplurities* and *Quadruplities*.

**Pluries,** Is a Writ that issues in the third place, after two former Writs neglected or disobeyed. For, first goes out the *Original Writ*, which, if it speed not, then the *scire facias*; and, if that fail, then the *Pluries*. See *Old Nat. Br. fo. 33.* in the Writ of *Execm. capiendo*. See in what diversity of cases it is used in the Table of the *Reg. of Writs*.

**Pocket of Wool,** Is half a Sack. 3 Inst. fo. 96. See *Sack of Wool*.

**Pole,** See *Perch*.

**Poledablies,** A kind of Canvas, wherewith Sail-ware is made, Anno 1 Jac. ca. 24.

**Polein,** ( Anno 4 Edw. 4. ca. 7. ) Was a sharp or picked top set in the fore-part of the Shoe or Boot. This fashion was first taken up in the time of King *William Rufus*, the *Picks* being made so long, as they were tied up to the knees with silver or golden chains, and forbidden by Ed. 4. — *Tunc fluxus criminum, tunc luxus vestium, tunc usus calceorum cum artuati aculeis invenitur est.* *Malm. in Wil. 2.*

**Policie of assurance,** ( *Assuratio* ) Is a course taken by those, who adventure Wares or Merchandise by Sea; whereby they, unwilling to hazard their whole adventure, do give some other person a certain rate or proportion, as 6, 8, or 10 in the hundred, or such like, to secure the safe arrival of the Ship, and so much Wares at the place agreed on. So that, if the Ship and Wares miscarry, the *Assurers* or *Insurers* make good to the Venturer so much as they undertook to secure; if the Ship arrive safely, he

D d d gains

Baines that clear, which the Venturer agrees to Pay him. And for the more certain dealing between them in this case, there is a Clerk or Officer ordained to set down in Writing the effect of their agreement, called *Policy*, to prevent any difference that might afterwards happen between them. This term is mentioned *Anno 13 Eliz. ca. 12.* and thereby allowed and established; And *14 Car. 2. ca. 23.* and is now many times used to *Insure* mens lives in Offices, who have paid great sums of Money for the purchase thereof, and are *Insured* from that adventure by a certain Company of Merchants, or Citizens, for three or four per Cent., subscribing, or under-writing the agreement *Policy*, or *Insurance*, who do among them share the *Præmium*, or Money given by the Party Insured, and run the hazard of it: such Assurance or Policies being not seldom also used in other matters, where loss or damage is feared.

**Poll-money**, (*Capitatio*) Was a Tax or Imposition ordained by Stat. *18 Car. 2. ca. 1.* and *19 ejusdem, ca. 6.* by the first of which every Subject in this Kingdom was assessed, by the Head or Poll, according to his degree; As every Duke 100 l. Marquess 80 l. 8c. Baronet 50 l. Knight 20 l. Esquire 10 l. 8c. and every single person 12 d. 8c. And, that this is no new Tax appears, by former Acts of Parliament, where, *Quilibet tam coniugatus quam solutus utriusque sexus pro capite suo solvere cogebatur.* Parliam. Anno 1380. *Walsingham. 2. p. 534. l. 37.* There was anciently (*Sayes Camden*) a personal tribute, called *Capitatio* (Poll-silver) imposed upon the Poll or Person of every one, of Women from the 12th, of Men from the 14th year of their age, *In his Notes upon Coines.*

**Pollard**, Was a sort of Money heretofore current in England, which with Crocards are long since prohibited. *Mash. Westm. in Anno 1299. pa. 413.* Pollards, Crocards, Stallings, Eagles, Loonnes, and Steopings, were ancient Coines in England, but now disused and forgotten. *2 Inst. fo. 577.* We also call those Trees Pollards, or Pollengers, which have been usually crop'd, and therefore distinguish'd from Timber-Trees. See *Plowden, fo. 469. b.*

**Polygamus**, Is he that is married to two or more Wives together, or at the same time. *3 Inst. fo. 88.*

**Pone**, Is a Writ, whereby a Cause, depending in the County, or other inferior Court, is removed to the Common Bench. *Old Nat. Br. fo. 2.* See the Table of the Reg. of Writs.

**Pone per badium**, Is a Writ, commanding the Sheriff to take surety of one for his appearance at a day assigned; Of this see five sorts in the Table of the Reg. *Judic. verbo, Pone per Vadium.*

**Ponendis in Annis**, Is a Writ, founded upon the Statute of *Westm. 2. ca. 38.* and *Articuli Super Chartas, ca. 9.* which Statutes shew what persons Sheriffs ought to impanel upon Affizes and Juries, and what not; as also what number, which see in *Reg. of Writs, fo. 178. a.* and *Fitz. Nat. Br. fo. 133. b.*

**Ponendum in Balliam**, Is a Writ willing that a Prisoner be bailed in cases bailable. *Reg. of Writs, fo. 133.*

**Ponendum sigillum ad exceptionem**, Is a Writ whereby the King willetn justices, according to the Stat. of *Westm. 2.* to put their Seals to Exceptions laid in by the Defendant against the Plaintiffs Declaration, or against the Evidence, verdict, or other Proceedings before the Justices.

**Pontage**, (*Pontagium*) Is a contribution towards the maintenance or reedifying of Bridges, *Westm. 2. ca. 25.* Anno 13 Ed. 1. It may also signify Toll taken to this purpose of those that pass over Bridges, *Anno 1 Hen. 8. ca. 9. 22 Hen. 8. ca. 5. & 39 Eliz. ca. 24.* Per *Pontagium clamant esse quiet. de operibus pontium.* Plac. in Itin. apud Cestriam 14 Hen. 7.

**Pontibus reparandis**, Is a Writ directed to the Sheriff, &c. willing him to charge one or more to repair a Bridge, to whom it belongs, *Reg. of Writs, fo. 153. b.*

**Pozca**. See Ridge of Land.

**Pozcarp**, (*Porcaris*) A Swinefly. *Fleta;*

**Porter of the door of the Parliament-house**, Is a necessary Officer belonging to that high High Court, and enjoys the privileges accordingly, *Crompt. Jurisd. fo. 11.*

**Porter in the Circuit of Justices**, Is an Officer that carries a Verge or white Rod before the Justices in Eyre; so called a *Portando virgam*, *Anno 13 Edm. 1. ca. 41.* See *Vergers.*

**Port-grebe**, (*Sax. Port-geneve, i. Portus vel urbis præfectus*, *Port* in the Saxon signifies the same with *Civitas*, and *geneve*, or *peve*, a Collector of the Rents, (as in divers Lordships at this day,) Is a chief Magistrate in certain Maritime Towns; and, (as *Camden* says in his *Britan. pa. 325.*) the chief Magistrate of London was so termed; in stead of whom Richard the First ordained two Bailiffs; but, presently after him King John granted them a Mayor for their yearly Magistrate.

*Carta Willielmi Conquestoris Civitat. London.*

**William, King, Grete William Bishop, and Godfrey Portgeve, and all the Burgeis within London, French and English. And I graunt you, that I will that ye be all pour Law togeth, that ye were Edwardis dayes the King. And I topt that ich Child be his Faders Oper, and I nil suffer, that ony man pou any wrongs beed. And God you kepe.**

*Ex libro pervetusto, penes Will. King, Ar.*

**Portionet** (*Porconarius, or Portionarius*,) — *Patet universis quod ego Johannes Boteler, Porconarius secundæ portionis Ecclesie de Bromyard, dedi — dat. 17 Ric. 2.* Where a Parsonage is served by two or sometimes three Ministers

ministers alternately, as *Bromyard, supra, Burford in Shropshire, &c.* The Ministers are called *Portioners*, because they have but their Portion or Proportion of the Tythes or Profits of the Living.

**Portmen** (*Anno 13 Eliz. cap. 24.*) The Twelve Burgeses of Ipswich, are so called. Also the inhabitants of the Cinque Ports are so termed, according to *Camden's Britannia.*

**Portmote** (from the Sax. *Portre, i. Portus & Gemo, i. Convectus*) Is a Court kept in Haven-Towns or Ports; as *Swainmote* in the Forest. *Mantwood, par. 1. pag. 111.* It is called the *Portmote Court.* *Anno 43 Eliz. ca. 15.* Curia Portmorum, est Curia in Civitate Cestria coram Majore in aula Motorum tenenda. Pl. in Itin. ibid. 14 Hen. 7.

**Portsale** (*Anno 35 Hen. 8. cap. 7.*) Is the sale of Fish, presently upon its arrival in the Port or Haven.

**Possession** (*Possessio, quasi, Pedit possessio*) Is twofold, actual, and in Law: The first is, when a Man actually enters into Lands or Tenements to him descended; the other, when Lands or Tenements are descended to a Man, and he hath not as yet actually entered into them. Before, or until an Office is found of Lands Escheated by Attainder, the King hath onely Possession in Law, and not in Deed. *Stamf. Prærog. fol. 34.* There is also an Unity of Possession, which the Civilians call *Consolidationem*: As if the Lord purchase the Tenancy held by Heriot service, the Heriot is extinct by Unity of Possession; because the Seignoury and Tenancy are now in one Mans possession. *Kitchin, fol. 124.* See other Divisions of Possession in *Bracton, lib. 2. cap. 17.*

**Pot.** See *Per.*

**Pot Conquestum**, Was first inserted in the Kings Title by Edward the Third, *Anno 1228. Claus. 2 Edm. 3. in Durfo. m. 33.*

**Pot Diem**, Is a Fee by way of Penalty upon a Sheriff for his neglect in returning a Writ after the day assigned for its return; for which, the *Custos Brevium* hath four pence; whereas he hath nothing, if it be returned at the day; sometimes taken for the Fee it self.

**Post Dississin** (*Post Dississina*) Is a Writ given by the Statute of *Westm. 2. cap. 26.* and lies for him that, having recovered Lands or Tenements by *Præcipe quod reddat*, upon default, or redemption, is again disseised by the former Disseisor. *Fitz. Nat. Br. fol. 190.* See the Writ that lies for this in the *Reg. of Writs, fol. 208. a.*

**Pot Fine**, Is a duty belonging to the King, for a Fine formerly acknowledged before him in his Court, which is paid by the Cognizance, after the Fine is fully passed, and all things touching the same accomplished: The rate thereof is so much, and half so much as was paid to the King for the Fine, and is collected by the Sheriff of the County where the Land lies, whereof the Fine was levied, to be answered by him into the Exchequer.

**Post Term**, Is a Fee or Penalty taken by the *Custos Brevium* of the Court of Common Pleas onely, for the Filing any Writ by any Attorney after the Term, or usual time, in which such Writs are returnable; for which the *Custos Brevium* takes the Fee of xx d.

**Postea**, Is a Return or Certificat of the proceedings by *Nisi Prius* into the Court of Common Pleas after a Verdict, and there afterwards recorded. See *Plowden, Casu, Saunders, fol. 211. a.* See an example of it in *Cokes Rep. Vol. 6. Rowlands Case, fol. 41.* See *Custos Brevium.*

**Posteriozity** (*Posterioritas*, the Being or coming after or behinde) Is a word of Comparison and Relation in Tenure, the Correlative whereof is Priority: For a Man holding Lands or Tenements of two Lords, holds of his Ancienter Lord by Priority, and of his later Lord by Posteriozity. *Stamf. Prærog. fol. 10. & 11.* When one Tenant holds of two Lords, of the one by Priority, of the other by Posteriozity, &c. *Old Nat. Br. fol. 94.* See *2 Instit. fol. 392.*

**Potnati**. — 7 Jac. It was by all the Judges solemnly adjudged, that those, who, after the descent of the Crown of England to King James, were born in Scotland, were no Aliens in England. As on the contrary, the Antenari, or those born in Scotland, before the said descent, were Aliens here, in respect of the time of their Birth. See *Calvins Case, 7 Repor.*

**Pot** (*Anno 13 Car. 2. cap. 5.*) A Head-piece, for War.

**Pot Albes** (*Anno 12 Car. 2. cap. 4.*) Are made of the best Wood-ashes, and used in the making of Soap; some are made in England, but the best come from beyond Sea.

**Pound** (*Parcu*) Signifies generally any strong inclosure to keep in Beasts; but especially a place of strength, to keep Cattle that are distrained or put in for any Trespass done by them, until they be replevied or redeemed; and in this signification it is called a *Pound Over*, or open Pound, being built upon the Lords Waste, and is called the *Lords Pound*; for he provides it for the use of himself and his Tenants. See *Kitchin, fol. 144.* It is divided into *Pound Open*, and *Pound Close*. *Pound Open*, or *Over*, is not onely the Lords Pound, but a Backside, Court, Yard, Pasture-Ground, or whatever else, whither the owner of the Beasts Impounded may come to give them Meat and Drink, without offence, for their being there, or his coming thither. *Pound Close* is then the contrary, viz. Such a one, as the owner cannot come unto, for the purpose aforesaid, without offence; as some Close-house, Castle, Fortrefs, or such like place.

**Pound-breach**. See *Pund-brech.*

**Poundage** (*Pondagium*) Is a Subsidy granted to the King, of all manner of Merchandise of every Merchant, Denizen, and Stranger, carried out of this Realm, or brought into the same, to the value of Twelve pence in every Pound.

**Pound.** This was granted to Henry the Sixth for term of his life, and to King Charles the Second, *Anno 12 Car. 2. cap. 4.*

**Pouraille.** See *Purlic.*

**Pour faire proclamer, que nul insect fines ou ordures en folles ou ribes pres Citiez, &c.** Is a Writ directed to the Mayor, Sheriff, or Bailiff of a City or Town, commanding them to proclaim, That none cast filth into the Ditches or places near adjoining, and, if any be cast already, to remove it. This is founded upon the Statute 12 Rich. 2. cap. 13. *Fitz. Nat. Br. fol. 176.*

**Pourpartie** (*Propars, Proparsis vel Proparsis*.) Is contrary to *Pro indiviso*; for to make *Pourpartie*, is to divide and sever the Lands that fall to *Partenors*, which before Partition they hold jointly and *Pro indiviso*. *Old Nat. Br. fol. 17.*

**Pourpresture** (*Pourprestura*; from the Fr. *Pourpris*, a Close or Enclosure) Is thus defined by Glanville, lib. 9. cap. 1. *Pourprestura est proprie, quando aliquod super Dominum Regem injuste occupatur; ut in Dominium Regis, vel in via publicis obstructis, vel in aquis publicis transuersis a recto cursu, vel quando aliquis in civitate super regiam plateam aliquid edificando occupaverit, & generaliter, quoties aliquid sit ad incrementum Regis Tenementi, vel Regia via vel Civitatis.* And by Crompton in his *Jurif. fol. 132*, thus. *Pourpresture* is properly when a Man takes to himself, or encroaches any thing, which he ought not, whether it be in any Jurisdiction, Land, or Franchise; and generally, when any thing is done to the Nuisance of the Kings Tenants. See *Kitchin, fol. 10.* And *Manswood, part. 1. pag. 269.* & *Par. 2. cap. 10.* Some Authors make three sorts of this offence, one against the King, the second against the Lord of the Fee, the third against a Neighbor, by a Neighbor. See 2 *Inst. fol. 38.*

**Pour le terre la femme que tient en Dowry, &c.** Was a Writ whereby the King seized the Land, which the Wife of his Tenant in Capite, deceased, had for her Dowry, if she married without his leave, and was grounded on the Statute of the Kings Prerogative, cap. 3. See *Fitz. Nat. Br. fol. 74.*

**Poursuivant** (from the Fr. *Poursuivre*, i. *Agere, persequi*.) Signifies the Messenger of the King attending upon him in Wars, or at the Council Table, or Exchequer, or in his Court, or at his Chamber, to be sent upon any occasion or message; as for the apprehension of a party accused, or suspected, of any offence. Those that are used in Marshal Causes are called *Pursuivants at Arms*; whereof there are four of special names, which see in the word *Herald*. *Sign*, speaking of Richard the Third his end, hath these words, *pag. 784.* *His Body was naked to the Skin, not so much as one Clout about him, and was trussed by a Pursuivant at Arms like a Hog, or a Calf, &c.*

**Pourvezoy** (*Provezoy*; from the Fr. *Pourvoir*, *Providere, Provedere*.) Signifies an Officer of

the King or Queen, that provides Corn and other Victual for their House. Mentioned in *Magna Charta, cap. 22.* and other Statutes; but the Office is restrained by Stat. 12 Car. 2. cap. 24. See *Pourvezoyance* and *Achat*.

**Pourvezoyance** (*Fr. Pourvezoyance*) Is the providing Corn, Fuel, Victual, and other necessities for the Kings House. By Stat. 12 Car. 2. cap. 24. it is provided, That no person or persons by any Warrant, Commission, or Authority, under the Great Seal, or otherwise, by colour of buying or making provision of Purveyance for His Majesty, or any Queen of England, for the time being, or that shall be; or for His, their, or any of their Household, shall take any Timber, Fuel, Cattle, Corn, Grain, Salt, Hay, Straw, Victual, Cart, Carriage, or other thing whatsoever, of any the Subjects of His Majesty, His Heirs, or Successors, without the full and free consent of the owner or owners thereof, had, and obtained without Penace or Enforcement, &c. See *The Antiquity of Præemption and Pourvezoyance, &c.* And 3 *Inst. fol. 82.*

**Power of the County** (*Potestas Comitatus*) According to Lambert in his *Erren. lib. 3. cap. 1. fol. 309.* consists the Aid and Attendance of all Knights, Gentlemen, Yeomen, Laborers, Servants, Apprentices, and Villains, and of other young Men above the age of fifteen, within the County; because all of that age are bound to have Harnes, by the Statute of Winchester. But Women, Ecclesiastical Persons, and such as are decrepit, or labor with any continual infirmity, shall not be compelled to attend. For the Stat. 2 Hen. 5. cap. 8. says, That persons able to travel shall be assistant in this service; which is used, where a Possession is kept upon a forcible Entry, or any force or rescue used, contrary to the Command of the Kings Writ, or in opposition to the execution of Justice.

**Powdabbis.** See *Poledavis*.

**Poyntings Law.** Is an Act of Parliament made in Ireland by Henry the Seventh, and so called, because Sir Edward Poyntings was Lieutenant there, when it was made; whereby all the Statutes in England were made of force in Ireland, which before that time were not, neither are any now in force there, which were made in England since that time. See *Cokes 12 Rep. fol. 109.* *Hill. 10 Jac.*

**Pray in App.** See *App.*

**Pratum falcabile.** A Meadow or Mowing-ground. — *Jur. dicunt quod prædicta placca a tempore quo — Fuit Pratum falcabile, usque ad prædictum annum quod prædictus W. illud aravit.* Trin. 18 Edw. 1. in Banco. Rot. 50.

**Prebend** (*Præbenda*) Is the Portion which every Member or Canon of a Cathedral Church, receives in right of his place, for his maintenance. *Canonica Portio* is properly used for that share, which every Canon or Prebendary receives yearly out of the common stock of the Church; and *Præbenda* is a several Benefice rising from some Temporal Land or Church,

Church, appropriated towards the maintenance of a Clerk or Member of a Collegiate Church, (as the *Prebends of Keyton*, and *Couper at Maldon*) and is commonly surnamed of the place, whence the profit arises.

*Prebends* are either *Simple*, or with *Dignity*, *Simple Prebends* are those, that have no more but the Revenue towards their maintenance: *Prebends with Dignity*, are such as have some Jurisdiction annexed to them, according to the divers Orders in every several Church. Of this see more in the *Decretals*, tit. *De Præbendis & Dignitat.*

*Præbenda*, Was also, in old Deeds, used for *Provender*. See *Curia.*

**Prebendary** (*Præbendarius*) Is he that hath such a *Prebend*; so called a *Præbendo auxilium & consilium Episcopo*.

**Precaria**, Days works, which the Tenants of some Mannors are bound to give the Lord in Harvest, which in some places are corruptly called *Wind days*, for *Widen days*, from the Sax. *Bidan*, to pray or intreat. *Baldwinus una bovata pro iis. & Dimid. & ii. Gallinar, & xx Ova, & iv Precarias, in Autumno; cum uno homine, bis arare, bis herciare, semel falcare, semel sanum levare, &c.* Mon Angl. 2 par. fol. 539. a. See *Bederepe*.

**Prece partium.** Is when a Sute is continued by the Prayer, Assent, or Agreement of both Parties. *Anno 13 Edw. 1. cap. 27.*

**Precept** (*Præceptum*) Is commonly taken for a Commandment in Writing, sent out by a Justice of Peace, or other-like Officer, for the bringing a Person, or Records before him; of which, you have example of divers in the Table of the *Register Judicial*: And sometimes for the command or provocation, whereby one Man incites another to commit Felony, Theft, or Murder. *Stamf. Pl. Cor. fol. 105.* *Bracton* (lib. 3. tra. 2. cap. 13.) calls it *Præceptum* or *Mandatum*; whence we may observe three diversities of offending in Murder, *Præceptum*, *Fortia*, *Consilium*: *Præceptum*, being the instigation used before hand; *Fortia*, the Assistance in the Fact, as helping to binde the party murdered or robbed; *Consilium*, advise either before, or in the Deed.

**Preceptories** (*Præceptorie*, *Anno 32 Hen. 8. cap. 24.*) Were Benefices in a kinde, and so termed, because they were possessed by the more eminent sort of the *Templers*, whom the chief Master by his Authority created and called *Præceptores Templi*. *Stephens de Juris. lib. 4. cap. 10. num. 27.* Of these *Præceptorie*, I finde sixteen recorded, as anciently belonging to the *Hospitalers* and *Templers* in England, viz. *Cressing-Temple*, *Balsall*, *Shengay*, *Newland*, *Exeley*, *Whitham*, *Temple-bruce*, *Willington*, *Rothley*, *Ovenington*, *Temple-Combe*, *Trebigh*, *Rishlane*, *Mount S. John*, *Temple-Newsum*, and *Temple-burgh*. Mon. Angl. 2 par. fol. 543.

**Præcipe quod reddat.** Is a Writ of great Diversity, both in its form and use, for which see *Ingressus* and *Entry*. This Form is extended as well to a Writ of Right, as to other

Writs of Entry or Possession. *Old Nat. Br. fol. 13.* And *Fitz. Nat. Br. fol. 5.* And it is sometime called a *Writ of Right Close*, when it issues out of the Court of *Chancery Close*; sometimes a *Writ of Right Patent*: As when it issues out of the *Chancery Patent*, and open to any Lords Court for any of his Tenants de-forded, against the Deforcer, and must be determined there. Of which, read more at large in *Fitz. Nat. Br. ca. 1.*

**Præcipe in Capite** (*Magna Charta, ca. 24.*) Was a Writ issuing out of the Court of *Chancery*, for a Tenant holding of the King in Cheit, as of his Crown, and not of the King, as of any Honor, Castle, or Mannor. *Reg. of Writs, fol. 4. b.*

**Recontract** (*Anno 2 & 3 Edw. 6. ca. 23.*) Is a Contract made before another Contract; chiefly in Relation to Marriages.

**Redial Attithes** (*Decima Prædialis*) Are those which are paid of things arising and growing from the Ground only; as Corn, Hay, Fruits of Trees, and such like. *Anno 2 Edw. 6. cap. 13.* See *Cokes 2 Instit. fol. 649.*

**Reemption** (*Præemptio*) Was a Priviledge allowed the Kings Purveyor, to have the choice and first-buying of Corn, and other Provision before others, for the Kings House; which is taken away by Stat. 12 Car. 2. cap. 24.

**Reglate** (*Prælatum*) We commonly understand to be an Archbishop or Bishop: But thus says the Learned *Spelman*, *Prælati Ecclesiæ vocantur nedum Superiores; ut Episcopi, sed etiam Inferiores, ut Archidiaconi, Presbyteri, Plebani & Rectores Ecclesiarum.* Sic enim in Bulla Privileg. apud Mat. Par. in Hen. 3. sub An. 1246. *Innocentius, &c. Universis tam Cathedralium quam aliorum Prælati, nec non Patronis Ecclesiarum, Clericis & laicis per Regnum Angliæ constitutis salutem, &c.* Pag. 476.

**Premises.** See *Habendum*.

**Premium** (*Premium*) A Reward or Remittance. Among Merchants it is used for that sum of Money, as Eight or ten per Cent. which the *Ensured* gives the *Ensurer*, for ensuring the safe return of any Ship or Merchandise. *Anno 19 Car. 2. cap. 1.*

**Præmunire.** Is taken either for a Writ so called, or for the offence whereupon the Writ is granted; the one may be understood by the other. Heretofore the Church of Rome, under pretence of her Supremacy, and the Dignity of S. Peters Chair, took upon her to bestow most of the Bishopricks, Abbacies, and other Ecclesiastical Livings of worth here in England; by Mandates, before they were void; pretending therein a great care to see the Church provided of a Successor, before it needed. Whence it arose, that these Mandates or Bulls were called *Gratia Expectativa*, or *Provisiones*, whereof you may read a learned Discourse in *Dunelmus de Beneficiis, lib. 3. cap. 1.* These *Provisions* were so rife with us, that at last, King Edward the Third not disliking so intolerable an Encroachment, made a Statute in the 1. wen-

ty fifth year of His Reign, *Stat. 5. cap. 22.* and another *Stat. 6. cap. 1.* and a third *Anno 27.* against those that drew the Kings people out of the Realm, to answer things belonging to the Kings Court; and another *Anno 28 Stat. 2. cap. 1, 2, 3, & 4.* whereby he greatly restrained this liberty of the Pope; who notwithstanding, still adventured to continue the *Provisions*; in so much, as King Richard the Second, likewise made a Statute against them, *Anno 12. cap. 15.* And in the Thirteenth year of His Reign, *cap. 2.* making mention of the said first Statute of Edward the Third, ratifying the same, and appointing the punishment of those that offended against it, to be *Perpetual banishment, Forfeiture of their Lands, Tenements, Goods, and Chattels, &c.* And again in the Sixteenth year of His Reign, *cap. 5.* to meet more fully with all the shifts, invented to avoid the former Statutes, he expressed the offence more particularly, and sets the same punishment to it, that he ordained in the last mentioned Statute. After him, King Henry the Fourth, in like manner aggrieved at other abuses, not fully met with in the former Statutes, in the second year of His Reign, *cap. 3. & 4.* adds certain new Cases, and lays upon the Offenders in them, the same punishment; whereto I refer you, as likewise to *Anno 9. Ejsdem, cap. 8.* and *Hen. 5. cap. 4.* and *Smith de Repub. Angl. lib. 3. cap. 9.*

Some later Statutes do cast this punishment upon other Offenders, as namely the Statute of *1 Eliz. cap. 1.* upon him that denies the Kings Supremacy the second time; and the Stat. *13 Eliz. cap. 2.* upon him that affirms the Authority of the Pope; or refuseth to take the Oath of Supremacy; and the Stat. *13 Eliz. cap. 1.* upon such as are Seditious talkers of the inheritance of the Crown, or affirm the Queen to be an Heretick. And the Stat. *13 Car. 2. cap. 1.* upon such as affirm the Parliament begun at *Westminster, 3 Nov. 1640.* is not yet dissolved, or that there is any obligation by any Oath, Covenant, or Engagement whatsoever, to endeavor a change of Government, either in Church or State, or that both or either House of Parliament have, or hath a Legislative Power without the King. And the word is applied most commonly to the punishment first ordained by the Statutes before mentioned, for such as transgressed them: For where it is said, that any Man for an offence committed, shall incur a *Pramunire*, it is meant, That he shall incur the same punishment, as is inflicted on those that transgress the Stat. *16 Rich. 2. cap. 5.* commonly called the Statute of *Pramunire*, which kinde of Reference or Application is not unusual in our Statutes. As to the Etymology of the word, some think it proceeds from the strength given to the Crown, by the former Statutes, against the usurpation of foreign power; which opinion may receive some ground from the Stat. *25 Edw. 3. stat. 6. cap. 1.* But others think it grows from the Verb *Pramonere*, being barbarously turned into *Pramunire*, to forewarn or

bid the offender take heed; or from the severity or grievousness of the Punishment. Of which, a Reason may be gathered from the Form of the Writ, in *Old Nat. Br. fol. 143. Præmunire facias præpositum & f. R. procuratorem, &c. Quod tunc sint coram nobis, &c.* Which words can be referred to none, but parties charged with the offence. See *3 Inst. fol. 119.*

**Prender** (from the Fr. *Prendre, i. accipere*) Is the power or right of taking a thing, before it is offered. — *It lies in Prender, but not in Prender.* *Cokes Rep. 1 Part. Sir Jo. Peters Case.*

**Prender de Baron**, Signifies literally to take a Husband; but it is used as an Exception, to disable a Woman from pursuing an Appeal of Murder, against the killer of her former Husband. *Stamf. Pl. Cor. lib. 3. cap. 59.*

**Prepensed** (*Præpensus*) Forethought; as *Prepensed malice* (*Malitia Præcogitata*) when a Man is slain upon a sudden quarrel, yet, if there were *Malice Prepensed* formerly between them, it makes it Murder, or, as it is called (in the Stat. *12 Hen. 7. cap. 7.*) *Prepensed Murder.* See *Murder.* And *3 Inst. fol. 51.*

**Præpositus Ecclesiæ.** See *Church-reve.*

**Præpositus Ville.** Is used sometimes for the Constable of a Town, or Petit-Constable. *Crompt. Juris fol. 205.* Howbeit, the same Author fol. 194. seems to apply it otherwise, for there *Quatuor homines Præpositi*, are those four Men, that for every Town must appear before the Justices of the Forest in their Circuit. It is sometimes used for an Head or Chief-officer of the King, in a Town, Mannor, or Village, or a Reeve. See *Reeve.* *Animalia & res inventa coram ipso & Sacerdote ducenda erant.* LL. *Edw. Conf. cap. 28.*

**Prærogative of the King** (*Prærogativa Regni*, from *præ, i. ante*, and *rogare*, to ask or demand: For though an Act hath passed both Houses of Parliament, yet before it be a Law, the Royal Assent must be asked and obtained) Is generally that Power, Preeminence, or Priviledge, which the King hath over and above other persons, and above the ordinary course of the Common Law, in the right of His Crown — *Potest Rex ei, lege sua dignitatis, condonare vellet, etiam mortem promeritam.* LL. *Edw. Confess. cap. 18.* The Kings Person is subject to no Mans Sute; His Possessions cannot be taken from Him, by any violence or wrongful Disseisin; His Goods and Chattels are under no Tribute, Toll, or Custom, nor Distrainable; with very many other Regal Rights, and Priviledges. See *Stamf. Prærog.* and the Statute of the Kings *Prærogative*, *Anno 17 Edw. 2.* and *Plowden, Casu, Mines.* *Spelman* calls it *Lex Regie Dignitatis.*

**Prærogative Court** (*Curia Prærogativa Archiepiscopi Cant.*) Is the Court wherein all Wills are proved, and all Administrations granted that belong to the Archbishop, by his *Prærogative*, that is, in case where the deceased had Goods of any considerable value out of the Diocess, wherein he died, and that value

is ordinarily; i. except it be otherwise by composition between the said Archbishop, and some other Bishop, as in the Diocess of London it is so. And if any contention arise, touching any such Will or Administration, the cause is properly debated and determined in this Court; the Judge whereof is called *The Judge of the Prærogative Court* of Canterbury. The Archbishop of York hath also the like Court, which is termed his *Exchequer*, but far inferior to this in Power and Profit. *4 Inst. fol. 335.*

**Prescription** (*Præscriptio*) Is a Title, taking its substance of use and time allowed by the Law. As when a Man claims any thing, because he, his Ancestors, or they, whose estate he hath, have had, or used it all the time, whereof no memory is to the contrary; or when, for continuance of time, whereof there is no memory, a particular person hath particular right against another particular person. *Kitchin, fol. 104.* See *Coke on Littl. fol. 140. b.* But as in the Civil Law, so in the Common, *Prescription* may be in a shorter time, at least in some particular Cases. For example, where the Statute *Anno 8 Rich. 2. cap. 4.* says, That a Judge or Clerk convicted for false entering of Pleas, &c. may be Fined within two years, the two years being past, he prescribes against the punishment of the said Statute. So the Statute *Anno 11 Hen. 7.* says, That he, who will complain of Maintenance or Embracery, whereby Perjury is committed by a Jury, must do it within six days, those six days ended, the parties prescribe: And divers other Statutes have the like Limitations of time, whence may arise a like *Prescription.* See *Action Perpetual and Temporal.* See *Lamb. Eiren. lib. 4. ca. 5. pag. 469.* Of this *Prescription*, and the Learning touching the same, you may read *Cokes Rep. Lutters Case, Vol. 4. fol. 84.* and *Latches Rep. fol. 110.* *Prescriptio est jus quoddam, ex tempore congruens, auctoritate legum vim capiens, penam negligentibus inferens & finem litibus imponens. — Quadragesimæ Præscriptio omnem prorsus actionem excludat, Reformatio Legum Eccles. pag. 246.* See *2 Inst. fol. 653.*

**Præsentation** (*Præsentatio*) Is used properly for the act of a Patron, offering his Clerk to the Bishop, to be instituted in a Benefice of his Gift, the Form whereof see in *Reg. of Writs, fol. 322. a.* See *Parson.*

**Præsentee**, Is the Clerk that is so presented by the Patron. In the Stat. *13 Rich. 2. cap. 1.* mention is made of the *Kings Presentee*, that is, he whom the King presents to a Church.

**Presentment**, Is a meer denunciation of the jurors themselves, or some other Officer, as Justice of the Peace, Constable, Searcher, Surveyor, &c. (without any information) of an offence inquirable in the Court, whereunto it is presented. *Lamb. Eiren. lib. 4. cap. 5. pag. 467.*

**President** (*Præses*) Is used for the Kings Lieutenant in any Province or Function; as *President of Wales, York, Barwick, Presidents of*

the Kings Council, *Anno 22 Hen. 8. cap. 20.* And *24 Hen. 8. cap. 20.* *Stat. 1. cap. 1.*

**Prest**, Is used for a duty in Money to be paid by the Sheriff, upon his account in the *Exchequer*; or for Money left or remaining in his hands. *Anno 2 & 3 Edw. 6. ca. 4.*

**Prest Money**, Is so called of the French word *Prest, i. Præstius, Expeditus*; for that it binds those that receive it, to be ready at all times appointed, commonly meane of Soldiers. *Anno 18 Hen. 6. 19 Hen. 7. 1. Hen. 8. 5. And 2 Edw. 6. 2.*

**Præstation Money** (*Præstatio*, *i. A. per-* forming or paying) Is a sum of Money paid by Archdeacons yearly, to their Bishop, *Pro exteriori Jurisdictione.* — *Et quæti sint 4 Præstatione Muragii.* *Carta Hen. 7. Burgens. Mountgomer.* *Præstatio* was also anciently used for *Purveyance.* See *Mr. Phillips Book* on that subject, pag. 222. And see *Spiritualities.*

**Presumption** (*Præsumptio*) Is of three sorts. 1. *Violent*, which is many times *Plena Probatio*; as if one be run through the Body in a House, whereof he instantly dies, and a Man is seen to come out of the House with a Bloody Sword, and no other Man was at that time in the House. 2. *Probable*, which moveth little. 3. *Levis seu temeraria*, which moves not at all. So in case of a Charter of Feoffment, if all the witnesses to the Deed be dead, then *Violent Presumption*, which stands for a proof, is continual and quiet Possession. *Coke on Littl. lib. 1. ca. 1. sect. 1.* *Præsumptio stat in dubio*; it is doubted of, yet it is accounted *Veritatis comes quatenus in contrarium nulla est probatio, ut regula se habet*; *Stabius præsumptio donec probetur in contrarium.* *Presumption* was anciently taken for intrusion. — *Assultus, Roberia, Sterbroch, Præsumptio terra vel pecunia Regis, Thezaurus inventus, &c.* LL. *Hen. 1. cap. 11.* De his quæ sunt de Jure Regis.

**Prætened Right** (*Jus Prætensum*) Is where one is in possession of Lands or Tenements, and another who is out, claims it, and sues for it; here the *Prætened Right* or Title is to be in him, who so does sue and claim.

**Price.** See *Value.*

**Pricked bread.** — *Molendinariorum septem panes de Conventu & septem panes de Pricked bread.* *Monast. Angl. 1 Part. fol. 498. b. Quare.*

**Pride-gabel**, In the Mannor of *Rodeley* in *Com. Glouc.* is paid to this day, as a Rent to the Lord of the Mannor, by certain Tenants, in duty and acknowledgment to him for their liberty and priviledge of Fishing for *Lamprays* in *Severn.* (*Prid* for brevity, being the later syllable of *Lamprid*, (as anciently they were called) and *Gabel*, a Rent or Tribute.) *Taylors Hist. of Gavelkind, fol. 112.*

**Primo Beneficio.** See *Beneficio.*

**Primage** (*Anno 22 Hen. 8. ca. 14.*) Is a duty due to the Mariners and Sailors for the Loading of any Ship at the setting forth from any Haven, which is in some places a penny in the



the pound; in others six pence per Pack or Bale, according to the Custom of the place.

**Primer Seisin** (*Prima Seisina*, i. The first Possession) Was a Branch of the Kings Prerogative, whereby he had the first possession of all Lands and Tenements holden of him in chief, whereof his Tenant died seised in Fee, and consequently the Rents and Profits of them, until the Heir, if he were of age, did his homage, if under age, until he were. But all charges arising by *Primer Seisins*, are taken away by the Stat. 12 Car. 2. cap. 24.

**Prince** (*Princeps*) Is sometimes taken for the King himself; but more properly for the Kings Eldest Son, who is *Prince of Wales*; as the Eldest Son to the French King is called *Dauphine*, both being Princes by their Nativity. *Ferns Glory of Generosity*, pag. 138.

Before *Edward* the Second was born at *Caernarvan*, and was the first *Prince of Wales*, the Kings Eldest Son was called *Lord Prince*. *Stamf. Prærog.* ca. 22. fol. 75. See 27 Hen. 8. ca. 26. And 28 Ejsd. ca. 3.

**Principal** (*Principalis*) An Heir-lome, *Quod vide*. In *Trenchenfeld Com.* Here certain *Principals*, as the best Beast, best Bed, best Table, &c. pass to the eldest Child, and are not subject to Partition. Also the chief person in some of the Inns of *Chancery* is called *Principal* of the House. See *Ancient*.

**Principality of Chester**. Anno 21 Ric. 2. ca. 9. See *County Palatine*, and *Crompt. Jurisd.* fol. 137.

**Prior perpetual, or Datib and removable**. Anno 9 Ric. 2. ca. 4. And 1 Edw. 4. ca. 1. *Lord Prior of Saint Johns of Jerusalem*. Anno 26 Hen. 8. ca. 2. See *Abbot*.

**Priors Alieni** (*Priores Alieni*) Were certain Religious Men, born in *France*, and *Normandy*, and Governors of Religious Houses, erected for Outlandish Men here in *England*; which were by *Henry* the Fifth thought no good Members for this Land, and therefore suppressed; whose Livings were afterwards by *Henry* the Sixth, given to other Monasteries and Houses of Learning, (*Storus Annals*, pag. 582. And 1 Hen. 5. ca. 7.) but specially to the erecting of those two famous Colledges, called *The Kings Colledges of Cambridge* and *Eaton*. 2 Part *Infl.* fo. 584.

**Priorty** (*Prioritas*) Signifies an Antiquity of Tenure, in comparison of another less ancient. As, *To hold by Priorty*, is to hold of a Lord more anciently than of another. *Old Nat. Br.* fo. 94. So to hold by *Posteriority* is used in *Stamf. Prærog.* ca. 2. fol. 111. The Lord of the *Priorty* shall have the custody of the Body, &c. *Crompt. Jurisd.* fol. 120. See *Posteriority*.

**Prize** (*Prisa*, Fr. *Pris*) Is that Custom or Share, that belongs to the King, or Lord Admiral, out of such Merchandises as are taken at Sea, by way of lawful Prize, which is usually a Tenth part. 31 Eliz. ca. 5.

**Prize of Wines** (Anno 1 Hen. 8. ca. 5.) Is a word almost out of use, now called *Butlerage*, (because the Kings cheit Butler

receives it) which is a Custom whereby the King challenges out of every Bark laden with Wine, containing Twenty Tuns or more, two Tun of Wine; the one before, the other behind the Mast at his price, which is Twenty shillings for each Tun; yet this varies according to the Custom of the place, for at *Boston*, every Bark laden with Ten Tuns of Wine, or above, pays *Prisage*. See *Butlerage*, and *Calshrops Reports*, fol. 20. And 4 Part *Infl.* fol. 30.

**Memorandum**, quod Rex habet ex antiqua consuetudine de qualibet Nave Mercatoris Vini 6 Carcat. Applicat. infra aliquem portum Anglia de viginti dolii duo dolia & de decem dolii unum de Prisa Regia pro quodam certo ab antiquo constitut. solvend. P. Rec. 20 R. 2.

**Prise** (*Prisa*) From the Fr. *Prendre*, i. *Capere* Signifies in our Statutes the things taken of the Kings Subjects by Purveyers. Anno 13 Edw. 1. ca. 7. and 28 Ejsd. stat. 3. ca. 2. It signifies also a Custom due to the King. Anno 25 Ejsd. ca. 5. Reg. of Writs, fol. 117. b. In foraneis paginis antiquis (says the Learned *Spelman*) *Prise* plerumque intelligitur de annona rei que frumentaria captionibus aliis etiam necessariis, ad alenda instruendaque castrorum praesidia; nec non & regiam familiarum minorum quam iusto pretio agricolis arcepi, &c. In *Rescripto* quodam Anno 3 Edw. 1. Norf. ff. — *Rogerus de Monte alto*, qui sororem & heredem *Hugonis de Albeney*, &c. desponsaverat, clamat habere libertates has subscriptas, viz. *Castellum suum de Rysinge cum Prisis 40 dierum*, &c. Ubi clausulam cum *Prisis 40 dierum* intelligo de libertate capiendi victualia quæ vocant ad sustentationem praesidiarii militis Castris sui, ita quod pretium reddat infra 40 dies. See the Stat. 12 Car. 2. ca. 24.

**Prisoner** (Fr. *Prisonnier*) Signifies one that is restrained of his liberty upon any Action, Civil, or Criminal, or upon Commandment. And a Man may be *Prisoner upon Matter of Record*, or *Matter of Fact*: *Prisoner upon Matter of Record*, is he, who, being present in Court, is by the Court committed to Prison, onely upon an Arrest, be it by the Sheriff, Constable, or other. *Stamf. Pl. Cur. lib. 1. ca. 32.* fol. 34 & 35.

**Privation** (*Privatio*) A bereaving or taking away: Most commonly applied to a Bishop, or Rector of a Church; when by Death, or other act, they are deprived of their Bishoprick or Benefice. See *Coke on Litt.* fol. 329.

**Privy** (Fr. *Privé*, i. *Familiaris*) Signifies him that is partaker, or hath an interest in any Action, or thing; as *Privies of Blood*, *Old Nat. Br.* fol. 117. Every Heir in Tail is *Privy* to recover the Land inailed. *Eodem*, fol. 137. *Merchants Privy*, are opposite to *Merchant Strangers*. Anno 2 Edw. 3. cap. 9. & 14. *Coke* (lib. 3. *Walkers Case*, fol. 23. And lib. 4. fol. 123.) mentions four kinde of *Privies*, viz. *Privies in Blood*, as the Heir to his Father; *Privies in Repre-*

*Representation*, as *Executors* or *Administrators* to the deceased; *Privies in Estate*, as he in Reversion, and he in Remainder, when Land is given to one for life, and to another in Fee; the reason is, for that their Estates are created both at one time: The fourth is *Privy in Tenure*, as the Lord by Escheat, that is, when Land Escheats to the Lord for want of heirs. The *Expositor of Law-terms* adds a fifth sort of *Privy*, whom fee, and *Coke on Litt. lib. 3. ca. 8.* Sect. 161.

**Privy-seal**, (*Privatum sigillum*) Is a Seal that the King useth to such Grants, or other things as pass the Great Seal; First, they pass the *Privy-Signer*, then the *Privy-Seal*, and lastly the Great Seal of *England*. The *Privy-Seal* is also sometimes used in things of less consequence, that do not at all pass the great one. No Writs shall pass under the *Privy-Seal*, which touch the Common-Law. 2 *Infl.* fo. 555.

**Priviledge**, (*Privilegium*) Is either personal or real: A personal *Priviledge* is that which is granted or allowed to any person, either against or besides the course of the Common-Law: as, a Member of Parliament may not be Arrested, nor any of his menial servants in the time of Parliament, nor for certain dayes before and after. A *Priviledge real* is that which is granted to a place, as to the Universities, that none of either may be called to *Westminster-Hall*, or prosecuted in other Courts. See the *New Book of Entries*, verbo, *Priviledge*. *Privilegium est jus singulare, hoc est, privata lex, quæ uni homini vel loco, vel Collegio & similibus aliis conceditur*.

**Privy**, (Fr. *Privauté*) Private Familiarity, Friendship, Inward Relation. If there be Lord and Tenant, and the Tenant holds of the Lord by certain services, there is a *privy* between them, in respect of the tenure. See *Privy*.

**Probat of Testaments**, (*Probatio testamentorum*) Is the exhibiting and proving last Wills and Testaments before the Ecclesiastical Judge, delegated by the Bishop, who is *Ordinary* of the place where the party dies. If all the deceased parties Goods, Chattels, and Debts owing him were in the same Diocese, then the Bishop of the Diocese, or the Arch-deacon (according as their composition or prescription is) has the *Probat* of the Testament; if the Goods were dispersed in divers Dioceses, so that there were any sum of note, (as five pounds ordinarily) out of the Diocese where the party liv'd, then is the Arch-Bishop of *Canterbury* (or *York*) the Ordinary by his Prerogative. This *Probat* is made in two sorts, either in common form, or per testes; The first, is onely by the Oath of the Executor, who swears upon his credality, that the Will by him exhibited, is the last Will and Testament of the Party deceased. Per testes is, when, besides his Oath, he also produceth Witnesses, or makes other proof to confirm the same; which later course is taken most commonly, where there is fear of strife

or dispute about the Testators Goods: For, it is held that a Will proved in common form onely, may be call'd in question any time within thirty years after. And, where a Will disposes of Lands, or Tenements of Freehold, it is now usually proved by Witnesses in *Chancery*.

**Procedendo**, Is a Writ, whereby a Plea, or Cause, formerly called from a base Court to the Chancery, Kings-Bench, or Common-Pleas, by Writ of *Priviledge*, or *Certiorari*, is released, and sent again to the same Court to be proceeded in there, after it appears that the Defendant has no cause of priviledge, or that the matter comprised in the Parties allegation or suggestion is not well proved. *Brooke, hoc titulo*, and *Coke*, vol. 6. fo. 63. See, Anno 21 Ric. 2. ca. 11. Letters of *Procedendo*, granted by the keeper of the *Privy-Seal*. See in what diversity it is used in the Table of the Register of Writs Original and Judicial. Anno 21 Jac. ca. 23.

**Process**, (*Processus*, a *procedendo* ab initio usque ad finem) Is so called, because it proceeds (or goes out) upon former matter, either Original or Judicial; and, has two significations: First, it is largely taken for all proceeding in any real or personal, civil or criminal Action, from the Original Writ to the end. *Britton*, fo. 138. Secondly, We call that the *Process*, by which a man is called into any Temporal Court, which is always in the name of the King. See *Lamb*, in his Tractat of *Processus* adjoining to his *Eiren*. Divers kinds of *Process* upon Indictments before Justices of the Peace, see in *Crompt. Iustice of P. fo. 134*. *Special Process* is that, which is especially appointed for the offence by Statute.

**Processum continuando**, Is a Writ for the continuance of a *Process*, after the death of the Chief Justice, or other Justices in the Writ or Commission of *Oyer* and *Terminer*. Reg. of Writs, fo. 128. a.

**Prochein amy**, (Fr. *Prochain amic*, *proximus amicus*) Is used for him that is next of kin to a child in his nonage, and is in that respect allow'd by Law, to deal for him in managing his affairs; as to be his Guardian, if he hold in Socage, and in the redress of any wrong done him. *Stat. Westm. 1. ca. 48.* and *Westm. 2. ca. 15.* and is, in the prosecution of any action at law, per *Gardianum*, where the Plaintiff is an Infant, and per *proximum Amicum*, where the Infant is Defendant. See 2 *Infl.* fo. 261.

**Proclamation**, (*Proclamatio*) is a notice publicly given of any thing, whereof the King thinks fit to advertise his Subjects; so is it used Anno 7 Ric. 2. ca. 6. 31 Hen. 8. ca. 8. *Proclamation of Rebellion* is a Writ so called, whereby publick notice is given, where a Man, not appearing upon a *Subpana*, nor an Attachment in the Chancery, shall be reputed a Rebel, if he render not himself by a day assigned in this Writ. See *Commission of Rebellion*.

**Proclamation of a Fine**, Is a notice openly and solemnly given at all the Assizes, held in the

the County within one year after the ingrossing it; which Proclamations are made upon transcripts of the *Fine*, sent by the Justices of the Common-Pleas to the Justices of Assize, and of the Peace. *West, Part 2. Symbol. tit. Fines. Sect. 132.* where also you may see the form of the Proclamation. *Proclamare est palam & valde clamare.* See Proclamations in divers cases, *New Book of Entries, verbo, Proclamations.*

**Pro confesso.** Upon a Bill exhibited in Chancery, where the Defendant appears, and is in contempt for not answering, and is in custody; upon a *Habeas Corpus* (which is granted by order) to bring him to the Bar, the Court assigns him a day to answer, which being expired, and no answer put in, a second *Habeas Corpus* is likewise granted, and a further day assigned, by which day, if he answer not, the Bill, upon the Plaintiffs Motion, shall be taken *pro confesso*, unless cause be shew'd by a day, which the Court does usually give; and for want of such cause shew'd upon Motion, the Substance of the Plaintiffs Bill shall be decreed, as if it had been confessed by the Defendants Answer. As it was the Case of *Filmore* and *Denny Hill*. 1662. Or, after a fourth insufficient Answer made to the Bill, the matter of the Bill, not sufficiently answer'd unto, shall be taken *pro confesso*.

**Proctors of the Clergy.** (*Procuratores Clerici*) Are those, who are chosen and appointed to appear for Cathedral or other Collegiate Churches, as also for the common Clergy of every Diocese, to sit in the Convocation House in the time of Parliament. The manner of their election see in *Corwels Interpreter* on this word. See *Prolocutor* and *Convocation*, and see 4 *Instit.* fo. 4.

**Procurations.** (*Procuraciones*) Are certain sums of Money which Parish-Priests pay yearly to the Bishop or Arch-deacon, *ratione visitationis*; They were anciently paid in necessary Victuals for the Visitor and his Attendants, but afterwards turn'd into Money. *Procuratio* is defin'd by *Vallenfer*, to be *necessarium sumptuum exhibitio, quæ ratione visitationis, debetur ab ecclesia vel monasterio ei cui ex officio incumbit ius & onus visitandi, sive si sit Episcopus sive Archidiaconus, sive Decanus; sive Legatus summi Pontificis.* Anno 1290. *Md. quod die Mercurii in Festo Sancti Lucae Evangelium Dominus Episcopus cepit Procuracionem suam in cibis & potibus apud Bordesley, & pernoctavit ibidem.* Gift. fo. 226. b. See an Historical Discourse of Procurations and Synodals, Printed Anno 1661. These are also called *Proxies*; as, *Archidiaconatus Glouc. valet clare in Proxiis, Cenag. & Pentecostalis per an. 64—10—00.* Ex Record Primitiar. 26 Hen. 8. See *Dier*, fo. 273. b. and *Claus. Rot.* 31 Ed. 1. m. 15. dorso.

**Procuracy.** (*Anno 3 Rich. 2. Stat. 1. ca. 3.*) See *Procurator*.

**Procurator.** Is used for him that gathers the fruit of a Benefice for another Man. *Anno 3 Rich. 2. Stat. 1. ca. 3.* And *Procuracy* for the writing or instrument, whereby he is Authori-

fied. They are at this day in the West parts called *Proctors*.

**Procurator.** See *Malvesi Procurator*.

**Prose,** alias **Probe,** Is used for an Enquest. *Anno 28 Ed. 3. ca. 13.*

**Profer.** (*Proferum, vel Proferum*, from the Fr. *Proferer*, i. *Producere, Edicere, Allegare.*) Is the time appointed for the Accompts of Sheriffs, and other Officers, in the Exchequer, which is twice in the year. *Anno 51 Hen. 3. Stat. 5.* which may be gathered also out of the Register, fo. 139. in the Writ *De Attornato vicecomitis pro profro faciendo*. We read also of *Profers*, *Anno 32 Hen. 8. ca. 21.* in these words; **Trinity Term shall begin the Monday next after Trinity Sunday, to wit, October it shall happen to fall, for the keeping of the Coinage, Profers, Returns, and other Ceremonies heretofore used and kept.** In which place *Profer* signifies the offer or endeavor to proceed in an Action by any Man, concerned so to do. See *Britton. ca. 28. fo. 50. b. & 55. a. & 80. b. and Fleta, lib. 1. ca. 38. Sect. Ulagati & seq.* — *Præterea idem Henricus de Hastings, & antecessores sui solebant capere & de jure habere rationabiles expensas suas versus Scaccarium singulis annis, pro duobus Profris faciendis & uno compoto reddendo per annum, &c.* Efect. *Anno 30 Ed. 1. n. 19.*

**Profer the Half-mark.** See *Half-Mark*.

**Profession.** (*Professio*) Is used particularly for the entering into any Religious Order. *New Book of Entries, verbo Profession.*

**Prohibition.** (*Prohibitio*) Is a Writ to forbid any Court, either Spiritual or Secular, to proceed in any Cause there depending, upon suggestion, that the cognition thereof belongs not to the said Court. *Fitz. Nat. Br. fo. 39. G.* but, is now usually taken for that Writ, which lies for one that is impleaded in the Court Christian, for a Cause belonging to the temporal Jurisdiction, or the Cognizance of the Kings Court, whereby, as well the Party and his Counsel, as the Judge himself and the Register are forbidden to proceed any farther in that Cause. See *Brooke, hoc titulo*, and *Fitz. Nat. Br. fo. 93.* and *Bracton, lib. 5. Tract. 5. ca. 3. usque ad 12.* who says, that it lies not after Sentence given in any Cause. And the Stat. *Anno 50 Ed. 3.* ordains, that but one Prohibition should lie in one Cause. See the diversity of Prohibitions in the Table of the Register of Writs, *New Book of Entries*, on this Word, and 2 *Part Instit.* fo. 601.

**Prohibitio de basso directa parti.** Is a Writ Judicial directed to the Tenant, prohibiting him, from making Waste upon the Land in controversy, during the Sute, *Reg. of Writs Judicial. fo. 21.* It is sometimes made to the Sheriff, the example whereof you have next following in the same Book.

**Pro indibito.** Is a Possession or Occupation of Lands or Tenements, belonging to two or more persons, whereof none knows his several portion; as *Coparceners* before partition. *Bracton, lib. 5. Tract. 2. ca. 1. Num. 7.*

**Prolocutor**

**Prolocutor of the Convocation House** (*Prolocutor Domus Convocationis*) Is an Officer chosen by Persons Ecclesiastical, publicly assembled by virtue of the Kings Writ at every Parliament: And as there are two Houses of Convocation, so are there two *Prolocutors*, one of the higher House, the other of the lower; the later of which is, presently upon the first Assembly, by the motion of the Bishops, chosen by the Lower House, and presented to the Bishop for *Prolocutor* of the Lower House, that is, the person, by whom they intend to deliver their Resolutions to the Higher House, and to have their own House especially ordered and governed. His Office is to cause the Clerk to call the names of such as are of that House, when he sees cause, to read all things propounded, gather suffrages, and the like. *Corwel.*

**Promoters** (*Promotores*) Are those, who in Popular and Penal Actions, do prosecute Offenders in their name, and the Kings, having part of the Fines or Penalties for their reward. These among the Romans were called *Quadruplicatores* or *Delatores*. They belong chiefly to the Exchequer, and Kings Bench. *Smith de Republic. Angl. lib. 2. ca. 14.* Sir Edw. Coke calls them *Turbidum hominum genus*. 3 *Instit.* fol. 191.

**Promulged** (*Promulgatus*) Published, proclaimed. *Anno 6 Hen. 8. ca. 4.*

**Protonotary or Prothonotary** (*Protonotarius, i. Primus notarius*) Is a chief Clerk of the Common Pleas, and Kings Bench, whereof the first hath three, the other one: For the *Protonotary* of the Common Pleas (*Anno 5 Hen. 4. ca. 14.*) is termed a chief Clerk of that Court. He of the Kings Bench Records all Actions Civil, as the Clerk of the Crown Office does all Criminal Causes in that Court. Those of the Common Pleas, since the Order of 14 *Fac.* upon an Agreement made betwixt the *Prothonotaries* and *Clackers* of that Court (who before did enter all Declarations and Pleas, whereunto a Serjeants hand was not required) do enter and enrol all manner of Declarations, Pleadings, Assises, Judgments, and Actions. They make out all Judicial Writs, except Writs of *Habeas Corpus* and *Disfranchising Jurator*, for which, there is a particular Office not much beyond the memory of Man erected, called *The Habeas Corpus Office*. They also make out Writs of Execution, and of *Seisin*, Writs of Privilege, for removing Causes from other Inferior Courts of Record, in case where the party hath cause of Privilege. Writs of *Procedendo*, of *Seive Facias* in all Cases, and Writs to enquire of Damages; and all Process upon Prohibitions, and upon Writs of *Audita Querela*, and False Judgment, *Cum multis aliis*. They enter and enrol all common Recoveries; and may make Exemplifications of any Record in the same Term, before their Rolls are made up and brought into the Treasury of Records in that Court.

**Pro partibus Liberandis.** Is a Writ for the Partition of Lands between Co-heirs. *Reg. of Writs, fol. 316.*

**Property** (*Proprietas*) Is the highest right that a Man hath, or can have to any thing, and no ways depending upon another Mans curtesie. Which none in our Kingdom can properly be said to have in any Lands or Tenements, but onely the King in right of his Crown: Because all the Lands throughout the Realm are in the nature of Fee, and hold either mediately or immediately of the Crown. This word nevertheless is used for that right in Lands and Tenements that common persons have; because it imports as much as *utile Dominium*, though not *Directum*. See *Ecc.*

**Prophecies** (*Prophetia*) Are in our Statutes taken for wizzardly fore-tellings of Matters to come, in certain hidden and enigmatical Speeches; whereby great commotions have been often caused in this Kingdom, and great attempts made by those, to whom such Speeches promised good success, though the words are mystically framed, and point onely at the Cognizance, Arms, or some other quality of the parties. *Anno 3 Edw. 6. ca. 15.* And 7 *Ejusdem*, ca. 11. And 5 *Eliz. ca. 15.* But these for distinction sake, are called *Fond*, *False*, or *Phantastical Prophecies*. 3 *Instit.* fol. 128.

**Propounders.** The 85 Cha. of *Cokes 3 Institutes*, is entituled, *Against Monopolists, Propounders, and Proctors*; where it seems to be used onely as a Synonyma to *Monopolists*.

**Proprietary** (*Proprietarius*) Is he that hath a property in any thing, *Quæ nullius in arbitrio est obnoxia*. But it was heretofore most commonly used for him that hath the Fruits of a Benefice to himself, and his Heirs, or Successors, as in time past, Abbots and Priors had to them and their Successors. See *Appropriation*.

**Proprietate Probanda.** Is a Writ that lies for him, who would prove a property before the Sheriff. *Reg. of Writs, fol. 83. & 85.* For where a Property is alleged, a *Replegiare* properly lies not. *Brook, Property 1.*

**Pro rata.** i. **Pro proportionione.** *Anno 16 Car. 2. ca. 6.*

**Pro rata portione.** See *Oneranda pro rata portione*.

**Prorogue** (*Prorogo*) To prolong, defer, or put off to another day, to continue. *Anno 6 Hen. 8. cap. 8.* The difference between a *Prorogation*, and an *Adjournment* or *Continuance* of the Parliament, is, That by the *Prorogation* in open Court, there is a Session, and then such Bills as passed in either House, or by both Houses, and had no Royal assent to them, must at the next Assembly begin again: For every several Session of Parliament is in Law, a several Parliament; but if it be but adjourned or continued, then is there no Session, and consequently all things continue in the same state they were in before the Adjournment. 4 *Instit.* fol. 27.

**Prosecutor**, Is he that followeth a Cause in an others name. See *Promoters*.

**Protection** (*Protectio*) Is generally taken for that benefit and safety, which every subject, denizen, or alien, specially secured, hath by the Kings Laws. Anno 25 Edw. 3. cap. 22. And it is used specially for an Exemption or Immunity, given by the King to a person against Sutes in Law, or other vexations, upon reasonable causes him thereto moving, which is a Branch of His Prerogative. And of this Protection, *Fitzherbert* (Nat. Br. fol. 28.) makes two sorts: The first he calls a *Protection*, cum clausula, Volumus—Whereof he mentions four particulars, 1. A *Protection*, Quia professurus, for him that is to pass over Sea in the Kings service. 2. Quia moraturus, for him that is abroad in the Kings service upon the Sea, or in the Marches. Anno 7 Hen. 7. cap. 2. 3. For the Kings Debtor, that he be not sued nor attached, till the King be paid his debt. Anno 15 Edw. 3. And 4. in the Kings service beyond Sea, or on the Marches of Scotland. Anno 1 Rich. 2. cap. 3. Reg. of Writs, fol. 23. And *Britton*, cap. 123.

The second form of *Protection* is *Cum clausula Nolumus*, which is granted most commonly to a Spiritual Company for their Immunity from having their Cattle taken by the Kings Ministers: But it may also be granted to a single person Spiritual or Temporal. *Protection* extends not to *Pleas of Dower*, Quare Impedit, Affixe of Novel Disseisin, Daresin Presentment, Attaints, nor *Pleas* before Justices in Eyre. See *New Book of Entries* on this word.

**Proto-Forrestarius**, Was he whom our ancient Kings made chief of *Windfor Forest*, to hear all causes of death, or mayhem there. *Cam. Brit.* pag. 213. A kinde of a Lord Chief Justice in Eyre.

**Protest** (*Protestari*) Hath two divers Applications, one is by way of cautel, to call witnesses (as it were) or openly to affirm, That he doth either not at all, or but conditionally yeeld his consent to any act, or unto the proceeding of a Judge in a Court, wherein his Jurisdiction is doubtful, or to answer upon his Oath, further then he is by Law bound. Reg. of Writs, fol. 306. b. The other is by way of complaint to *Protest* a Mans Bill: As if I pay money to a Merchant in France, taking his Bill of Exchange, to be repaid in England by his Factor or Assignee, if at my coming I finde not my self satisfied, but either delaid or denied, then I go into the Exchange, and *Protest* that I am not paid or satisfied by him. And thereupon, if he hath any Goods within the Realm, the Law of Merchants allows me satisfaction out of them.

**Protestation** (*Protestatio*) Is (as Justice *Walsley* defines it) a defence of safeguard to the party that makes it, from being concluded by the Act he is about to do, that Issue cannot be joynd upon it. *Plowden*, fol. 276. b. It is a Form of pleading, when one does not directly affirm, nor directly deny any thing that is al-

leaged by another, or which he himself alleageth.

**Prothonotary**. See *Pronotary*.

**Probe**. See *Prose*.

**Prober** (*Probat*) Anno 28 Edw. 1. And 5 Hen. 4. cap. 2. See *Approver*. And 3 Part Infr. fol. 129. A Man became an Approver and appealed five, and every of them joynd battle with him, Et duellum percussum fuit cum omnibus, & Probator devicit omnes quinque in duello, quorum quatuor susceperantur, & quintus clamabat esse Clericum & allocatur; & Probator pardonatur. Mich. 39 Edw. 3. coram Rege Rot. 97. Suff.

**Province** (*Provincia*) Was used among the Romans for a Countrey, without the compass of Italy, gained to their subjection by the Sword, of which, that part of France next the Alps, was one, and still retains the name. But with us a Province is most usually taken for the Circuit of an Archbishops Jurisdiction, as the Province of Canterbury, and that of York. Anno 32 Hen. 8. ca. 23. and 33 Ejsdem, ca. 31. Yet it is often used in our Statutes for several parts of the Realm; and sometimes for a County. In Placito Agneth quæ fuit uxor Radulphi de Butiller versus Priorem de Repindon, pro terra in Pykinton, Prior dicit quod nulla villa est in Provincia illa, quæ sic vocatur. Placit. de Juratis & Assisis apud Derby. Pasch. 53 Hen. 3. Rot. 2.

**Provincial** (*Provincialis*) Is a chief Governor of a Religious Order, as of Friars, &c. Anno 4 Hen. 4. cap. 17.

**Provision** (*Provisio*) Is used with us, as it is in the Canon Law, for the providing a Bishop, or any other person with an Ecclesiastical living, by the Pope, before the Incumbent be dead. It is also called *Gratia expectativa* or *Mandatum de providendo*. The great abuse whereof through all Christendom heretofore, you may read not onely in *Duarenus de sacris Ecclesiæ Ministeriis & Beneficiis*, lib. 3. cap. 2. But also particularly in England, mentioned in divers of our Statutes. viz. 35 Edw. 3. cap. 22. stat. 4. & 5. commonly called the Stat. De Provisiombus, & 27 & 28 Ejsdem, stat. 2. Anno 2 Rich. 2. cap. 7. & 3 Ejsdem, cap. 3. & 7 Ejsdem, cap. 12. Anno 2 Hen. 4. cap. 3. & 4. & Anno 3 Hen. 5. cap. 4. See *Pramunire*.

**Provisor**, Is generally taken for him that hath the care of providing things necessary; a Purveyor; but more especially in our Statutes it signifies one that sued to the Court of Rome for a Provision, (which *Vide supra*.) *Old Nat. Br.* fol. 143. who were prohibited by Proclamation, 42 Hen. 3. Anno 1258. *Holl.* pag. 259. b. 18. Provisores dicuntur, qui vel Episcopatum vel Ecclesiasticam aliam Dignitatem in Romana Curia sibi ambiebant de futuro, quod ex gratia expectativa nuncupantur, quia usque dum vacaret expectandum esset. *Spel.*

**Proviso**, Is a Condition inserted into any Deed, upon the observance whereof the validity of the Deed depends; it sometimes signifies a Covenant. *Cokes 2 Rep. Lord Cromwells*

*Case*

**Case**. It hath also another signification in matters Judicial; as if the Plaintiff or Demandant be slow or desist in prosecuting an Action, by not bringing it to a Tryal, the Defendant or Tenant may take out the *Venise Facias* to the Sheriff, which hath in it these words *Proviso quod*—To this end, that if the Plaintiff take out any Writ to that purpose, the Sheriff shall Summon but one Jury upon them both. In which case, we call it, bringing down the Record, or going to Tryal, by *Proviso*. See *Old Nat. Br.* fol. 159. In *Nisi Prius*.

**Probosc-Parthal**, An Officer in the Kings Navy, who hath charge of the Prisoners taken at Sea. Anno 13 Car. 2. cap. 9. art. 30. And is sometimes used for a like purpose at Land, or to seize or arrest any within the Jurisdiction of his place or Office.

**Prorege**. See *Seneca*. Quare, If it be not the payment of Proxies or Procurations.

**Proxies** (*Sir John Davies Rep.* fol. 4.) Are yearly payments made by Parish-Priests to their Bishop or Archdeacon, *Ratione Visitationis*. See *Procurations*, and the *Case Inter Regem & Sir Ambros. Forth*, 2 Fac. in the Exchequer.

**Pyph**, Is a kinde of Service and Tenure. Nich. Filius & Heres Nich. de Longforde Chivalier, tenet quatuor Messuagias, 40 Acres terra, decem Acres prati & 12 s. redditus cum pertinentiis in Kinwaldmersh, de Rege in Capite, per servitium inveniendi unum equum, unum saccum, & unum Pyph in guerra Wallia, quando cumque contigerit Regem ibi guerrare. Mich. Fines 1 Rich. 2. Derb. fol. 204.

**Publick Faith**, (*Fides Publica*) Anno 17 Car. 1. cap. 18. Was a Rebellious Cheat, to raise Money of the seduced People, upon the Publick Faith of the Nation, to make a wicked and causeless War against a most Religious and Gracious Sovereign, which began in or about the year 1642.

**Pucelage** (*Pucellagium*, Fr. *Pucelage*) Virginitie, Maiden-head. Quod tenuit eam dum idem B. abstulit Pucellagium suum, vel quod concubuit cum ea. *Bracton*, lib. 3. tract. 2. cap. 28. num. 2, 3, & 5. In an ancient MS. I finde it written *Pucellagium*. In placito pro Raptu, sic continetur—quod ipsam de Pucelage suo felonice, & totaliter desloravit. *Inter Plac.* Mich. 19 Edw. 3. London. 159.

**Pudhepec** (*Sax.*)—Si Pudhepec (i. nemoris cassio) Parcu Regis vel Forestæ fiat, 30 manc. emendetur, nisi Propositio propensior amplius exigat. LL. Hen. 1. cap. 38. But the Learned *Spelman* believes it to be false written, for the Saxon pudhepec, i. Wudhepec, the W. in that Character being like the P. in ours.

**Puozeld** (*Coke on Litt.* fol. 233.) The same with *Woodgeld*; for it seems to be a mistake of the Saxon pudgels.

**Puisme** (*Fr. Puisse*) Younger, Puny, born after. See *Mulier*.

**Pundbrech** (*A Sax. Pund, i. Parcus & bpech, i. fractura*) Si Pundbrech (i. Fractura Parci) fiat in Curia Regis plena Wyta sit; alibi quinque manca. LL. Hen. 1. cap. 40. It is the illegal

taking of Cattle out of the Pound, either by breaking the Pound, picking the Lock, or otherwise.

**Purchas** (*Purchacia*, from the Fr. *Pourchasser*) Is to buy Lands or Tenements with ones Money, or otherwise gain it by ones industry, contradicting from that which comes to one by descent from his Ancestors. *Gaufridus de Mandevilla Comes Essexie fundator Canobii Sancti Jacobi Walsdensis* in Charta prima—Contuli, &c. omnes Ecclesias inferius annotatas, tam de Dominio meo, quam de emptis & Purchasiis, &c. *Joined-Purchas* (*conjunctum perquisitum*) Reg. of Writs, fol. 143. b. Is where two persons or more joyne in a Purchase of Lands.

**Purken of a Womens Cotton** (from the Fr. *Pourfiler*, Anno 33 Hen. 8. cap. 5.) A sort of trimming for Womens Gowns, then in use; it was made of Tinsel, or Gold-Thred, or Lace, and was also called *Baudkin Work*. So *Cam. tit. Ireland*, speaks of a Mantle or Shag-rug, with a deep fringed Purfle.

**Purgation** (*Purgatio*) Is the clearing ones self of a crime, whereof he is probably and publicly suspected, and thereof accused before a Judge. Of this there was great use in England, touching matter of Felony imputed to Clerks in former times, as appears by *Stamf. Pl. Cor. lib. 2. cap. 48.* and *Westm. 1. cap. 2.* See *Clergy*. It is still observed in matters pertaining to the Ecclesiastical Court, as suspicion or common fame of incontinency, or such like.

**Purgatio** is either Canonical or Vulgar; Canonical, is that which is prescribed by the Canon Law; the form whereof, is usual in the Spiritual Court, the person suspected taking his Oath, That he is clear of the Fact objected; and bringing so many of his honest Neighbors, not above Twelve, as the Court shall assign him, to swear upon their Consciences and Credulity, that he swears truly: The Vulgar, and ancient manner was by fire, or water, or by combat, used by Infidels and Christians also, till by the Canon Law it was abolished. But *Combat*, though now disused, may be still practised by the Laws of the Realm, in Cases doubtful, and where there is a want of evidence, or other proof, if the Defendant chuse rather the combat, then other tryal. See *Ordel* and *Combat*.

**Purificatio Beatae Mariæ Virginis**. (Anno 32 Hen. 8. cap. 21.) See *Candlemas*.

**Purlue** or **Purlieu** (from the Fr. *Pur*, i. *Purus*, & *lieu*, locus) Is all that Ground near any Forest, which, being made Forest by Henry the Second, Richard the First, or King John, were by *Perambulation* granted by Henry the Third severed again from the same, and became *Purlue*, i. *Pure* and free from the Laws and Ordinances of the Forest. *Manwood*, Par. 2. For. Laws, cap. 20. See the Stat. 33 Edw. 1. stat. 5. And the *Perambulation* whereby the *Purlieu* is Deaforested, is called *Pourallee*, i. *Perambulation*. 4 Inst. fol. 303.

**Purview**, *Pat.* Is he that hath Ground with-  
in the *Purview*, and being able to dispend forty  
shillings per annum of Frechold, is licensed to  
hunt in his own *Purview*. *Manwood*, part 1. p.  
157. but, what observations he must use  
in his hunting see more in him, p. 180, and  
*Far. 2. ca. 20. Num. 5. 8. 9.*

**Purpresture**, (From the Fr. *Pourprest* and  
*Pourprest*, 1. *Integre arreptum*) est proprie terra  
aliene clandestina substractio, ejusdemque vicine  
ascriptio. See *Pourpresture*.

**Purprium**, (Fr. *Pourprie*) A Close, or En-  
closure; also the whole compass or extent of a  
Mannor or Place. — *Donavi eis meum Purprium*  
*de Kirkham & domos meas & molendinum*  
*& prata*, &c. Carta Walteri Episcopi Priorat. de  
Kirkham. in Mon. Angl. 2. Part. fo. 106. n. 40.

**Purrel**, (Anno 35 *Edw. 1. ca. 10.*) A Lift or-  
dained to be made at the end of *Kisses*, to pre-  
vent deceit in diminishing their length.

**Purp**, (Anno 43 *Edw. 1. ca. 10.*) A Terme  
among Clothiers, See *Recway*.

**Pursuivant**. See *Poursuivant*.

**Purbeapance**. See *Pourbeapance*.

**Purbieu**, (Fr. *Pourveu*, A Patent, Gift,  
Grant; and *Pourveu que*, so that, on condition  
that) Sir Edward Coke often uses it in his Works  
for the Body or that part of an Act of Parlia-  
ment which begins with *Be it Enacted* — *The*  
*Stat. of 3 Hen. 7. stands upon a Preamble and a*  
*Purview*. 12 Rep. fo. 20.

**Putage**, (*Putagium*) Fornicatio ex parte sa-  
minæ: quasi putam agere, a Gall. *Putte*, i. Me-  
retrix. — Quod autem generaliter solet dici,  
*Putagium hereditatem non admittit*; illud intel-  
ligendum est de putagio Matris; quia filius  
heres legitimus est, quem nuptiæ demonstrant.  
*Glanv. l. 7. ca. 12.*

**Putura**, (q. *Putura*) A Custom claimed by  
Keepers in Forests, and sometimes by Bailiffs of  
Hundreds, to take Mans meat, Horse meat,  
and Dogs meat of the Tenants and Inhabitants  
*gratis*, within the perambulation of the Forest,  
Hundred, &c. This Custom within the liberty  
of *Knaresburg* was long since turned into the  
payment of 4 d. pro *Putura*. *MS. de temp.*  
*Ed. 3. Pl. Coron. in Com. Ebur. de Anno 21 Ed.*  
*3. Putura in Cbasia de Bowland. 4 Inst. 307.*

Per *Puturam* servient. *Johannes Stanley Ar.*  
*clamat habere de quolibet tenente, aliquam terram*  
*vocatam Duld Organg Lands possidente, qua-*  
*libet sexta septimana victum prout Patresfamilias*  
*reficiens super hujusmodi terram habuerit. Pl. in*  
*Itin. apud Cestrum 14 Hen. 7. And the Land*  
*subject to this Custom is called terra puturata.*  
*Pla. apud Cest. 31 Ed. 3.*

Placita apud Preston 17 *Edw. 3.* coram  
Willielmo de Shareshull, Rogero de  
Hungerford, Henrico de Hungerford,  
Henrico de Hanbury, Simone de Pake-  
man, & Rogero de Hillary.

*Johannes de Radcliffe, Seneschallus Libertatis*  
*de Penwortham attachatus fuit ad respon-*  
*dendum Abbati de Evesham de placito, &c. Jo-*  
*hannes clamat unam Puturam in Prioratu de*

*Penwortham, qui est quadam Cella Abbatis de*  
*Evesham, pro se & Ministris, equis & garrionibus*  
*suis, per unum diem & duas noctes, de tribus sep-*  
*timanis in tres septimanas, viz. de victualibus, ut*  
*in esculentis, & poculentis, ad custus Prioratus*  
*predicti, indebite.*

**Pypher** alias **Pyphar**, A kind of Ship, menti-  
oned Anno 31 *Edw. 3. Stat. 2. ca. 2.*

**Pyphate**. See *Pirate*.

**Quadragesima Sunday**. Is the first Sun-  
day in Lent, and so called, because it is  
about the fortieth day before Easter. See  
*Quinquagesima*.

**Quadrantata terræ**. See *Fardingdeal*.

**Quadrugata terræ**, A Teem Land; *Que*  
*quatuor equis agitur*. — *Willielmus Prior de*  
*Luttrebur. & omnes Monachi ejusdem loci conce-*  
*serunt Ormo de Acouere & heredibus suis unam*  
*Quadrugatam terræ quæ attinet ad Man. de Ma-*  
*lesfeld solam & quietam sicut tenuit in diebus*  
*Henr. de Ferr. &c. pro octo sol. redd. per ann. ad*  
*Festum S. Martini, &c. Sine dat. M. S. Will.*  
*Dugdale Ar.*

**Quæ plura**, Was a Writ that lay where an  
Inquisition had been made by an Escheator, of  
such Lands or Tenements, as any man died  
seized of, and all was supposed not to be found  
by the Office; this was therefore to enquire  
what more Lands or Tenements the party dyed  
seized of. The form see in *Reg. of Writs*, fo.  
293. and in *Fitz. Nat. Br. fo. 255.* This Writ  
is now made useless by taking away the Court  
of Wards and Offices *post mortem*. Anno 12  
*Car. 2. ca. 24.*

**Quærens non inbenit plegium**, Is a re-  
turn made by the Sheriff, upon a Writ direct-  
ed to him, with this Condition inserted. *Si A.*  
*fecerit B. securum de clamore suo proseguendo*,  
&c. *Fitz. Nat. Br. fo. 38.*

**Quæ servitia**, Is a Writ. See *Per quæ*  
*servitia*.

**Quam diu se bene gesserit**, Is a Clause  
often used in Letters Patent of the Grant of  
Offices, as in those to the Barons of the Exche-  
quer; which must be intended in matters con-  
cerning their Office; and is no more then the  
Law would have imply'd, if the Office had  
been granted for life. 4 *Inst. fo. 117.*

**Quale jus**, Is a Writ Judicial, that lies,  
where a man of Religion has Judgment to re-  
cover Land, before execution is made of the  
Judgment; for this Writ must go forth to the  
Excheator, between Judgment and Execution,  
to enquire whether the Religious Person has  
right to recover, or whether the Judgment be  
obtained by Collusion between the Demandant  
and Tenant, to the intent that the true Lord be  
not defrauded. See *Westm. 2. ca. 32.* The form  
of

of it see in *Reg. of Writs Judic. fo. 8. 16.* and  
*New Book of Entries.*

**Quantum meruit**, i. How much he has de-  
served; an Action of the Case so called, ground-  
ed upon a Promise to pay a man for doing any  
thing so much as he should deserve or merit.

**Quare ejetit infra terminum**, Is a Writ  
that lies for a Lessee, in case where he is cast out  
of his Farm, before his term be expired, against  
the Feoffee or Lessor that ejetts him; And it  
differs from the *Ejectione firme*; because this lies  
where the Lessor, after the Lease made, enfe-  
offs another, who ejetts the Lessee; the *Ejectione*  
*firme* lies against any other stranger that ejetts  
him. The effect of both is all one, which is,  
to recover the residue of the term. See *Fitz.*  
*Nat. Br. fo. 197.* and *Reg. of Writs*, fo. 227.

**Quare impedit**, Is a Writ that lies for him,  
who has purchased an *Advowzen*, against him  
that disturbs him in the right of his *Advowzen*,  
by presenting a Clerk thereto, when the Church  
is void. And it differs from the Writ called  
*Assisa ultima Presentationis*, because that lies,  
where a man or his Ancestors formerly present-  
ed; and this for him that is the purchaser him-  
self. Where a man may have that *Assise*, he may  
have this *Writ*, but not contrariwise. See *New Book*  
of *Entries* on this Writ, *Bracton*, lib. 4. *Tract.*  
*2. ca. 6. Fitz. Nat. Br. fo. 32.* and *Westm. 2. ca. 5.*

**Quare incumbabit**, Is a Writ that lies  
against the Bishop, who, within six Months af-  
ter the vacation of a Benefice, confers it on his  
Clerk, whilst two others are contending in Law,  
for the right of presenting. *Old Nat. Br. fo. 30.*  
*Fitz. Nat. Br. fo. 48.* and *Reg. of Writs*, fo. 32.

**Quare intrusit matrimonio non satisfac-  
to**, Is a Writ that lay for the Lord against his  
Tenant, being his Ward, who, after convenable  
Marriage offered him, marries another, and en-  
ters nevertheless upon his Land, without agree-  
ment first made with his Lord and Guardian.  
But all Wardships being taken away (by *Act*  
*12 Car. 2. ca. 24.*) This Writ is become use-  
less.

**Quare non permittit**, Is a Writ, that lies  
for one, that has right to present for a turn a-  
gainst the Proprietary. *Fleta*, lib. 5. *ca. 16.*

**Quare non admittit**, Is a Writ that lies  
against the Bishop, refusing to admit his Clerk,  
who has recovered in a *Pica* of *Advowzen*,  
*Fitz. Nat. Br. fo. 47.*

**Quarentena habenda**, Is a Writ that lies  
for a Widow to enjoy her *Quarentena*, *Reg. of*  
*Writs*, fo. 175.

**Quarentene**, (*Quarentena*,) Is a benefit  
allow'd by the Law to the Widow of a Landed  
Man deceased, whereby she may challenge to  
continue in his capital Messuage, or chief Man-  
sion-House, (so it be not a Castle) by the  
space of 40 days after his decease. *Bracton*,  
*lib. 2. ca. 40.* And, if the heir, or any other attempt  
to ejet her, she may have the *Writ de Qua-*  
*rentena habenda*, *Fitz. Nat. Br. fo. 161.* Ma-  
neat (vidua) in Capitali Messuagio mariti sui  
per quadraginta dies post obitum mariti sui, infra  
quos dies assignatur ei dos, nisi prius assignata fue-

rit, vel nisi domus illa sit Castrium. Mag. Carta  
*ca. 7.* — See *Fleta*, lib. 5. *ca. 23.*

**Quarentene** signifies also a quantity of  
ground containing 40 Perches, — *quatuor ca-*  
*rucatas terra arabili*, continentes in longitudine 8  
quarentenas, & 8. quarentenas in latitudine.  
Chart. Withlasi Regis Merciorum apud In-  
gulf. — *Nam longe debet esse pax Regis a porta*  
*sua ubi residens fuerit a quatuor partibus loci illi-*  
*us, hoc est quatuor miliaria & tres quarentenæ &*  
*novem acra latitudine, & 9 pedes, & 9 palma &*  
*novem grana ordi. LL. Hen. 1. ca. 17.* *Qua-*  
*rentena in London ponetur pro respectu habend.*  
*per 40 dies post summationem per breve Regis*  
*ut consulant, &c. si sibi viderint expedire. MS.*  
*de temp. Ed. 3.* Penes Johannem Trevor Arm.  
And *Quarentine* is also the Terme of 40 dayes,  
wherein any person, coming from Forrein Parts  
infected with the Plague, is not permitted to  
land, or come on shore, untill so many dayes  
are expired.

**Quare obstruit**, Is a Writ that lies for him,  
who, having a liberty to pass through his neigh-  
bours ground, cannot enjoy his right, for that  
the owner has so strengthened it. *Fleta*, lib. 4.  
*ca. 26.* *Self. Item si minus.*

**Quarel**, (*Querela*, a *querendo*) This pro-  
perly concerns personal Actions, or mixt at the  
highest, for the Plaintiff in them is called *Que-*  
*rens*, and, in many of the Declarations in tref-  
pats it is said *queritur*. Yet, if a Man release  
all *Quarel*, or *querels*, (a Mans Deed being  
taken most strongly against himself) it is as  
strong as all *Actions*; for, by it all actions real  
and personal are released.

**Quarerta**, A Quarry of Stone. — *Præte-*  
*rea dedi eis Turbariam & Petariam & Quare-*  
*rian, ubicunque invenire poterint in territorio vil-*  
*le de Hepp, &c. Mon. Ang. Par. 2. fo. 595. b.*

**Quarter**. — Eight *Wassels* striked make  
the Quarter of *Corn*. Anno 15 *Rich. 2.*  
*ca. 4.*

**Quarter-Sessions**, Is a Court held by the  
Justices of Peace in every County once every  
Quarter of a year, 25 *Edw. 3. Stat. 1. ca. 8.* How  
far the Jurisdiction thereof extends, see *Lamb.*  
*Eiren. lib. 4.* and *Sir Tho. Smith de repub. Angl.*  
*lib. 2. ca. 19.* Originally it seems to have been  
erected onely for matters touching the breach of  
the *Peaces* but now it extends much farther, by  
power given to the Justices of Peace by many  
late Statutes.

**Quash**, (*Quassare*, Fr. *Quasser*.) To over-  
throw or annul. *Bracton*, lib. 5. *Tract. 2. ca. 3.*  
*num. 4.* Anno 11 *Hen. 6. ca. 2.* *As, if the*  
*Bailiff of a liberty return any out of his Franchise,*  
*the Array shall be quashed; as an Array, re-*  
*turned by one that has no Franchise, shall be*  
*quash'd. Coke on Lit. fo. 156.*

**Quechord**, (Anno 17 *Edw. 4. ca. 3.*) A  
kind of Game, prohibited by the said Statute:  
perhaps the same we now call *Shovebord*.

**Que est mesme**, (Signifying verbatim, which  
is the same thing) Is used with us, as a word of  
Art, in an action of trespass or such like, for a  
direct justification of the very act complained



of by the Plaintiff, as a wrong. For example, in an Action of the Case, the Plaintiff says, the Lord threatened his Tenants at will in such sort, as he forced them to give up their Lands. The Lord for his defence pleads, that he said unto them, if they would not depart, he would sue them at Law: This being the same threatening that he used, or, to speak artificially, *que est le mesme*, the Defence is good. See *Kitchin, in Cha. Que est le mesme*, fo. 226.

**Que estate**, Signifies verbatim, which estate, or the same estate; and is a Plea, whereby a man, entitling another to Land, &c. faith, that the same estate himself had, he has from him; For example, in a *Quare impedit*, the Plaintiff alleageth, that such four persons were seized of Lands, whereunto the Advowson in question was appendant in Fee, and did present to the Church, and afterwards the Church was void, *que estate*—that is, *which estate* of the four persons he has now during the vacation, by virtue whereof he presented, &c. *Broke tit. que estate*, fo. 175. and see *Coke on Litt.* fo. 121.

**Queen** (*Regina*) Is either she that holds the Crown of this Realm by right of Blood, or she that is Married to the King, which last is called *Queen Consort*. In the former signification, she is in all construction the same that the King is, and has the same power in all respects: In the later, she is inferior, and a person exempt from the King; for, she may sue, and be sued in her own name: yet, what she hath is the Kings, and what she loseth the King loseth. *Stamf. Prærog. ca. 2. fo. 10.* and *Coke, lib. 4. Copyhold-Cases*, fo. 23. b.

**Queen gold**, (*Aurum Regina*) Is a Royal Duty, or Revenue belonging to every *Queen Consort*, during her Marriage to the King of England, both by Law, Custom, and Prescription, payable by sundry persons in England and Ireland (upon divers Grants of the King) by way of Fine or Oblation, amounting to ten Markes or upwards; to wit, one full tenth part above the entire Fine, as Ten pounds for every Hundred pounds Fine, upon Pardons, Contracts, or Agreements; which becomes a real debt and duty to the *Queen*, by the name of *Aurum Regina*, upon the Parties bare agreement with the King for his Fine, and recording it, without any promise or contract, for this tenth part exceeding it. *Lib. Nig. Scac. pa. 43. 44. Cokes 12. Rep. fo. 21. 22.* and Mr. *Pryns Treatise*, on this Subject per tot.

**Queen redditum reddat**, Is a Writ Judicial, lying for him to whom a Rent-Seek, or Rent-Charge is granted, by Fine levied in the Kings Court, against the Tenant of the Land, that refuseth to return to him, thereby to cause him to return. *Old Nat. Br. fo. 156.*

**Querela frestra fortis**, Is a Writ. See *Exherforce*.

**Querela coram Rege & Consilio**, &c. Is a Writ, whereby one is called to justice a complaint of a Trespass made to the King himself, before the King and his Counsel, *Reg. of Writs*, fo. 124.

**Questus est nobis**, &c. Is the form of a Writ of Nuisance, which, by the Stat. *Anno 13 Ed. 1. ca. 24.* lies against him to whom the House or other thing that breeds the Nuisance is alienated; whereas before the Statute this Action lay only against him that first levied, or caused the Nuisance to the damage of his Neighbor.

**Quia improbide**, Seems to be a Superfideas granted in the behalf of a Clerk of the Chancery, sued against the privilege of that Court, in the Common-Pleas, and pursued to the Exigent, or in many other cases, where a Writ is erroneously sued out, or misawarded. See *Dyer*, fo. 33. n. 18.

**Quid iuris clamat**, Is a Writ Judicial, issuing out of the Record of a Fine, which remains with the *Custos Brevirum* of the Common-Pleas, before it be engrossed (for after it cannot be had) and it lies for the Grantee of a reversion or remainder, when the particular Tenant will not attorn. *West, par. 2. Symbol. tit. Fines. Sect. 118.* See *New Book of Entries*, on this Writ.

**Quid pro quo**, Is an artificial Speech, signifying as much as the Greek *συνλλαγμα* among the *Civilians*, which is a mutual performance of both parties to a Contract, or a giving one thing for another, as 10 l. for a Horse, *Kitchin*, fo. 184.

**Quietancia testæ Hundredi & Wichmote**—*Per hæc verba Johannes Stanley Ar. clamat quod ipse & tenentes sui non teneantur venire ad Curiam istam. Pl. in Itin. apud Cestriam 14 Hen. 7.* See *Acquittance*.

**Quietancia Alsisarum super Alsisam**—*Per hæc verba Johannes Stanley clamat, quod ipse, & tenentes & residentes sui non pmanant in Alsisis jurat. nec magnis Alsisis. Plac. ut supra.*

**Quietus**, (i. Freed or acquitted) Is a word used by the Clerk of the Pipe, and Auditors in the Exchequer, in their Acquittances or Discharges given to Accountants; usually concluding with *abinde recessit quietus*, which is called a *Quietus est*, and is mentioned in the Act of general Pardon, 12 Car. 2. ca. 11. and 14 Car. 2. ca. 21. A *Quietus est* granted to the Sheriff, shall discharge him of all accounts due to the King. *Anno 21 Jac. ca. 5.*

**Quinquagesima Sunday**, Is that we call *Shrove-Sunday*, and is so called, because it is about the fiftieth day before Easter; of which you may read in *Durandi Rationali Divinorum*, cap. de *Quinquagesima*, and mentioned in *Briton*, and other ancient Law-writers.

**Quinque portus**, The Cinque-ports, which are, 1. *Hastings*, 2. *Romene*, 3. *Hebbe*, 4. *Dover*, and 5. *Sandwich*. To the first *Wincklessea* and *Rye* belong, which are reckoned as part or members of the Cinque-ports. —*Servitium quod Barones Quinque Portuum præscriptorum recognoscunt facere ad summonitionem Regis per annum, si contigerit per 15 dies ad custum eorum proprium; ita quod primus dies computatur a die quo vela navium crexerunt, usque partes ad quas tendere*

*n dere debent, vel ulterius quamdiu Rex voluerit ad custum ejus.* See *Cinque Ports*.

**Quinsieme** or **Quinzime** (*Decima quinta*) Is a French word signifying a Fifteenth; with us it is a Tax, so called, because it is raised after the Fifteenth part of Mens Lands or Goods. *Anno 10 Rich. 2. cap. 1.* and 7 Hen. 7. cap. 5. See *Fifteenth* and *Tax*. It is well known by the *Exchequer Roll* what every Town throughout England is to pay for a Fifteenth. Sometime this word *Quinsieme* or *Quinzime* is used for the fifteenth day after any Feast, as the *Quinzime* of *S. John Baptist. Anno 13 Ed. 1.* in the Preamble.

**Quintane** (*Quintana*) Fr. *Quintaine* or *Bersart* A kind of exercise that young Men did, and still do use in some parts of this Nation (especially *Shropshire*;) by breaking Poles on Horse-back against a strong Plank or Buttreff set up in the High-way, most used at marriages. What it was anciently, *Matthew Paris* thus delivers. —*Eo tempore juvenes Londini statuto Pavone pro bravo, ad stadium quod Quintana vulgariter dicitur, vires proprias & equorum cursus sunt experti.* In Hen. 3. sub initio *Anni 1253.*

**Quint exact** (*Anno 31 Eliz. cap. 3.*) *Quinto exactus*, Is the last Call of a Defendant, who is sued to the Outlary, when, if he appear not, he is by the Judgment of the Coroners, returned outlawed; if a Feme, waved. See *Exigent*.

**Quinzime**. See *Quinsieme*.

**Quitclaim** (*Quita clamantia*) Is a Release or Acquiring a Man for any Action, that he hath or may have: A quitting of ones Claim or Title. *Bracton, lib. 5. tract. 5. cap. 9. num. 9.* and *Lib. 4. tract. 6. cap. 13. num. 1.*

**Quit-rent** (*Quietus Redditus*) *Quasi, Quiet-rent*, is a certain small Rent, payable yearly by the Tenants of most Mannors, which when paid, the Tenant is quiet and free, till it becomes due again. This in some ancient Records is written *White-rent*; because paid in Silver.

**Quod ei Deforceat**, Is a Writ that lies for the Tenant in Tail, Tenant in Dower, or Tenant for Life, against him that entred or took away their Land recovered, or against his Heir. See *Brook hoc tit. Reg. of Writs*, fol. 171. and *Westm. 2. cap. 4.*

**Quod Clerici non eligantur in Officio Bailii**, &c. Is a Writ that lies for a Clerk, who, by reason of some Land he hath, is made, or like to be made either Bailiff, Bedel, or Reeve, or some such like Officer. See *Clerico infra sacros*, &c. And *Regist. of Writs*, fol. 187.

**Quod permittat**, Is a Writ that lies for the heir of him that is disfeised of his Common of Pasture, against the heir of the Disfeisor, being dead. *Briton* (cap. 8.) says, This Writ lies for him, whose Ancestor died seised of Common of Pasture, or other like thing annexed to his Inheritance, against the Deforceor See *Brook hoc tit.* and *New Book of Entries*.

**Quod Clerici beneficiati de Cancellaria**, Is a Writ to exempt a Clerk of the Chancery, from contributing towards the Proctors of the Clergy in Parliament. *Regist. of Writs*, fol. 261. d.

**Quod persona nec Prebendarii**, &c. Is a Writ that lies for Spiritual Persons that are distrained in their Spiritual Possessions, for the payment of a Fifteenth, with the rest of the Parish. *Entz. Nat. Br. fol. 176.*

**Quod non permittat**. See *Consuetudinibus & Servitiis*.

**Quo jure**, Is a Writ, that lies for him who hath Land, wherein another challengeth Common of Pasture, time out of minde; and it is to compel him to shew by what title he so challenges it. *Entz. Nat. Br. fol. 128.* and *Britton*, cap. 59. at large.

**Quo minus**, Is a Writ that lies for him, who hath a grant of House-bote and Hay-bote, in another Mans Woods, against the Grantor making such Waste, as the Grantee cannot enjoy his Grant. *Old Nat. Br. fol. 148.* and *Kitchin*, fol. 178. This Writ also lieth for the Kings Farmer in the *Exchequer*, against him to whom he sells any thing by way of Bargain, touching his Farm, or who oweth him any Money, or against whom he hath any cause of Personal Action. *Perkins, Grants 5.* For he supposeth by the Vendees detaining any due from him, he is made less able to pay the King Rent. Under which pretence any one, who pays the King a Fee-farm Rent, may have this Writ against any other person for any debt, or damage, and bring the Cause to tryal in the *Exchequer*.

**Quo Warranto**, Is a Writ that lies against him, who usurps any Franchise or Liberty against the King, as to have Waif, Stray, Fair, Market, Court-Baron, Leet, or such like, without good Title. *Old Nat. Br. fol. 149.* or else against him that intrudes himself as heir into Land. *Bracton, lib. 4. tract. 1. cap. 2. num. 3.* And 18 *Edw. 1. stat. 2 & 3.* And 30 *Ejusdem*. See also the *New Book of Entries*.

**Quorum**, Is a word often mentioned in our Statutes, and much used in Commissions, both of Justices of the Peace, and others. As for example, where a Commission is directed to five persons, or to any three of them, whereof *A. B.* and *C. D.* to be two, in this Case *A. B.* and *C. D.* are said to be of the *Quorum*, because the rest cannot proceed without them. So a Justice of the Peace and *Quorum* is one, without whom, the rest of the Justices in some cases cannot proceed. *Anno 3 Hen. 7. cap. 3.* And 32 *Hen. 8. cap. 43.*

**Quake**, Was anciently used for a Live or Quick Beast. *John Bracebrige* of *Kinnersbury* Esq; in his Will, dated 7 Hen. 8. Ordained, *That his best Quayke should be taken in the name of his Mortuary.*

## R.

**R**achetum alias Rachatum (from the Fr. *Rachater* or *Racheter*, i. Redimere) Theft-bote, the Compensation or Redemption of a Thief. *Nullus capiat Rachetum, hoc est Theft-bute de Latrocinio.* 1 Stat. Rob. R. Scot. cap. 9.

**Rack** (*Fidicula*, sic dict. quia cui rei in euleo torquentur, ut fides invenitur) An Engin, in the Tower, with Cords, and Strings, to extort Confession from Delinquents. *John Holland*, Earl of Huntingdon, was by King Henry the Sixth, created Duke of Exeter, Anno 16 H. 6. the King granted to him the Office of Constableship of the Tower. He and *William de la Poole*, Duke of Suffolk, and others, intended to have brought in the Civil Laws: For a beginning whereof, the Duke of Exeter, being Constable of the Tower, first brought into the Tower the Rack or Brake, allowed in many Cases by the Civil Law; and thereupon it was called *The Duke of Exeters Daughter*, because he first brought it thither. 3 Inst. fol. 35.

**Rack-bintage** (Anno 32 Hen. 8. cap. 14.) Is a second Vintage or Voyage for Wines by our Merchants into France, &c. for Rack'd Wines, that is, Wines drawn from the Lees from this Voyage, our Merchants commonly return about the end of December, or beginning of January.

**Rad knights.** See *Rod Knights*.

**Radechenifres**, i. *Liberi homines*. Domesday, tit. *Leofminstre* (Lempster) — *Ibi erant 8 Prapostii, & 8 Bedelli, 8 Radechenifres, 238 Villani, & 75 Bordarii, &c.*

**Radman**, Domesday, tit. Herefscire. 13 *Bordarii*. *Prapostus & unus Radman, &c.* Seems to be the same with *Rod-Knight*.

**Rageman**, Is a Statute so called, of Justices assigned by Edward the First and his Council, to hear and determine, throughout all England, all Complaints of Injuries done within five years next before Michaelmas, in the Fourth year of His Reign.

**Ragmans-Roll.** Edward the Third (says Sir Richard Baker in his Chronicle, fol. 127.) surrendered by His Charter, all His Title of Sovereignty to the Kingdom of Scotland, restored divers Deeds and Instruments of their former Homages and Fealties, with the famous Evidence called *Ragmans Roll*.

**Ran** (Sax.) *Aperta Rapina*, so open a spoiling a Man, as it cannot be denied. *Hoveden*, inter ea quæ *Willielmus primus constituit in emendationem legum Angliæ*, parte post. Hen. 2. — *Decretum est etiam ibi, ut si Francigena appellaverit Anglicum, de perjurio, aut murthero, furto, homicidio, Ran, quod dicunt apertam rapinam, quod negari non potest, Anglicus se defendet per quod melius voluerit, aut iudicio*

*ferri, aut duello.* Consonant whereunto it is to this day vulgarly said by one, who taketh the Goods of another injuriously, and by violence: He hath taken all he could Rap and ran; rap, from rapio, to snatch.

**Range** (from the Fr. *Ranger*, i. To order, array, or dispose of) Is used in the Forest Laws, both as a verb (as to range) and as a Substantive (as to make range) *Char. de Foresta*, cap. 6. The Ranger is a sworn Officer of the Forest, of which sort, there are Twelve, *Idem*. cap. 7. whose authority is partly described by his Oath, set down by *Manwood*, Par. 1. pag. 50. but more particularly, in Par. 2. cap. 20. num. 15, 16, & 17. His Office chiefly consists in these three points, *Ad perambulandum quodlibet per terras deafforestatas, ad videndum, audiendum & inquirendum tam de malefactoribus, quam de malefactoribus in Balliva sua; ad refugandum feras forestæ tam Veneris quam Chasæ de terris deafforestatis, in terras afforestatas & ad presertandum omnes transgressiones Forestæ in terris deafforestatis factas, ad proximas Curias illius Forestæ tentas.* This Ranger is made by the Kings Letters Patent, and hath a Fee of 20 or 30 l. paid yearly out of the Exchequer, and certain Fee-Deer.

**Ransome** (*Redemptio*, Fr. *Rencom*.) Signifies properly the sum paid for redeeming a Captive, or Prisoner of War, and sometimes a great sum paid for the pardoning some heinous crime. Anno 1 Hen. 4. cap. 7. and 11 Hen. 6. cap. 11. When one is to make a Fine and Ransom, the Ransom shall be treble to the Fine. *Crompt. Just. of Peace*, fol. 142. a. And *Lamb. Eiren. lib. 4. cap. 16. pag. 556.* *Horn* (in his *Mirror of Justices*) makes this difference between *Amerciament* and *Ransom*; that *Ransom* is the redemption of a corporal punishment, due by Law to any offence. *Lib. 3. cap. de Amerciament taxable.* See *Coke on Littl.* fol. 127. a.

**Rape** (*Rapus vel Rapina*) Is a part of a County, signifying as much as a Hundred, and sometimes *Quod plures in se continet Hundreds*: As, all *Suffex* is divided into six *Rapes* only; viz. The Rape of *Chichester*, *Arundel*, *Brember*, *Lewin*, *Pevensey*, and *Hastings*; every of which, besides their Hundreds, hath a Castle, River, and Forest belonging to it. *Cam. Brit. pag. 225. & 229.* These parts are in other Counties called *Tithings*, *Lathes*, or *Wapentakes*. *Smith de Repub. Angl. lib. 2. cap. 16.*

**Rape** (*Raptus*) Is when a Man hath carnal knowledge of a Woman by force, and against her will: But if the Woman conceive, it is no Rape, for she cannot conceive unless she consent. *Coke on Littl. lib. 2. cap. 11. sect. 190.* This offence is Felony in the Principal, and his Aiders. Anno 13 Rich. 2. stat. 2. cap. 1. 11 Hen. 4. cap. 13. — *Edw. 4. cap. 1. and Westm. 2. cap. 13.* and shall not be allowed Clergy. Anno 18 Eliz. cap. 7. But *Fleta* says, the complaint must be made within forty days, else the Woman may not be heard, *Lib. 3. cap. 5. sect. Prætoræ.* And carnal knowledge of a Woman under

under ten years old is Felony. Anno 8 Eliz. cap. 6. Of the diversity of *Rapes*, see *Cromptons Justice of Peace*, fol. 43 & 44. The offender is called *Raptor*, a *Ravisher*, and in *Bracons* time he was punished with the loss of his Eyes and Stones, *Quia calorem stupri induxerunt.* 3 Inst. fol. 60.

**Rape of the Forest** (*Raptus Foresta*) Inter delicta numeratur, quorum cognitio ad unicum Regem spectat. LL. Hen. 1. cap. 10. — *Violentus concubitus*, *Raptus Forestæ*, *Relevationes Baronum suorum, &c.* Trespas committed in the Forest, by violence.

**Rapine** (*Rapina*) To take a thing secretly against the owners will, is properly Theft, openly, or by violence, is *Rapine*. Anno 14 Car. 2. cap. 22. and 18 Ejsdem, cap. 3.

**Raptu hæreditis**, Is a Writ lying for the taking away an heir, holding in Socage; of which, there are two sorts, one when the heir is married; the other, when not. Of both, see *Reg. of Writs*, fol. 163. b.

**Rasc** (*Raseria*) — *Toll shall be taken by the Rasc, and not by the Heap or Cantel.* Ordinance for Bakers, Brewers, &c. cap. 4. it seems to have been a measure of Corn, now disused — *Debentur ei annuatim decem & octo Raseriæ avenæ & sex Raseriæ ordei, &c.* *Spel.*

**Rate Tythe**, Is where Sheep or other Cattle are kept in a Parish for less time than a year, the owner must pay Tythe for them *Pro rata*, according to the Custom of the place. *Fitzb. Nat. Br. fol. 51.* *Brook, Disins. 26.* *Pro rata dicimus pro proportionē, vel proportionaliter.* *Lindwood.*

**Ratification** (*Ratificatio*) A ratifying or confirming: It is particularly used for the confirmation of a Clerk in a *Prebend*, &c. formerly given him by the Bishop, &c. where the right of Patronage is doubted to be in the King. See *Reg. of Writs*, fol. 304.

**Rationabili parte bonorum**, Is a Writ that lies for the Wife, against the Executors of her Husband, denying her the third part of her Husbands goods, after Debts and Funeral charges paid. *Fitzb. Nat. Br. fol. 222.* who there cites the 18 Chapter of *Magna Charta*, and *Glanville*, to prove, that, according to the Common Law of England, the goods of the deceased, his debts first paid, should be divided into three parts, whereof his Wife to have one, his Children the second, and the Executors the third: And this Writ lies as well for the Children, as for the Wife; which appears also by the *Reg. of Writs*, fol. 142. b. Yet it seems to have use, only where the Custom of the Countrey serves for it. See the *New Book of Entries*, on this word.

**Rationabilibus dibitis**, Is a Writ, that lies where two Lords have their Seigneuries joyned together, for him that finds his Waste encroached upon within the memory of Man, against the encroacher, thereby to rectifie the bounds of their Seigneuries; in which respect, *Fitzherbert* calls it, in its own nature, a *Writ of*

*Right*. The *Old Nat. Br.* says this may be by *Justices*, which may be removed by a *Pone* out of the County, to the Common Bench. See *Fitz. Nat. Br. fol. 128.*

**Rabishment** (*Raptus*, Fr. *Ravissement*, i. *Direptio*, *raptio*) Signifies an unlawful taking away either a Woman, or an Heir in Ward. Sometimes it is also used in one signification with *Rape*.

**Rabishoz** (*Raptor*) He that deflowres a Woman by violence. See the penalty for *Ravishing*, or being *Ravished*, does afterwards consent, in the Statute of 6 Rich. 2. cap. 6. See *Rape*.

**Rap**, Seems to be a word appropriated to Cloath, never coloured or dyed. Anno 11 Hen. 4. cap. 6. *Worsted*; *Ray*. Anno 17 Rich. 2. cap. 3.

**Reafforested**, Is where a Forest hath been disafforested, and again made Forest; as the Forest of *Dean* by the Stat. 20 Car. 2. cap. 3.

**Realty**, Is an abstract of real, and is contradistinguished from *Personalty*.

**Reasonable Ape** (*Rationabile auxilium*) Was a duty, which the Lord of the Fee claimed of his Tenants holding by *Knights-service*, or in *Socage*, to marry his daughter, or make his eldest Son a Knight. *Westm. 1. cap. 33.* But see the Stat. 12 Car. 2. cap. 24.

**Reattachment** (*Reattachiamentum*) Is a second Attachment of him, who was formerly attached, and dismissed the Court without day, as by the not coming of the Justices, or some such casualty. *Brook, hoc titulo.* Where he makes *Reattachment General* and *Special*. *General*, is where a Man is reattached for his appearance upon all Writs of *Assise* lying against him. *Brook eodem*, num. 18. Then, *Special* must be for one or more certain. *Reg. of Writs Judicial*, fol. 35. See the *New Book of Entries*, verbo, *Reattachment*.

**Rebellion** (*Rebellio*) Did anciently signify a second resistance of such, as being formerly overcome in battel by the *Romans*, yielded themselves to their subjection. But now we use it generally, for the traitorous taking arms against the King, he it by *Natural Subjects*, or by others, formerly subdued. *Rebel* is sometimes attributed to him that wilfully breaks a Law. Anno 25 Edw. 3. cap. 6. And 31 Ejsdem, stat. 3. cap. 2. Sometimes to a Villain disobeying his Lord. Anno 1 Rich. 2. cap. 6. *Commission of Rebellion*, see in *Commission*.

**Rebellious Assembly**, Is a gathering together of Twelve persons or more, intending to go about, practising or putting in ure unlawfully of their own authority, to change any Laws or Statutes of the Realm, or to destroy the enclosure of any Park or Ground enclosed, or Banks of any Fishponds, Pool, or Conduit, to the intent the same shall remain void, or to the intent, unlawfully to have Common, or Way in any of the said Grounds, or to destroy the Deer in any Park, or any Warren of Conneys, Dove-Houses, Fish

10 any Ponds, or any House, Barns, Mills, or Bays, or to burn Stacks of Corn, or to abate Rents or Prizes of Victuals. Anno 1 Mar. cap. 12. and 1 Eliz. cap. 17. See West, par. 2. Symbol. tit. Indictments. St. 65. and Crump. Justice of Peace, fol. 41. b.

**Rebutter** (Fr. *Bouter*, i. *Repellere*, To repel or bar) A Man grants Land to the use of himself, and the issue of his Body, to another in Fee with Warranty, and the Donee leaseth out the Land to a third person for years, the heir of the Donor impleads the Tenant, alleging the Land was in Tayl to him: The Donee comes in, and by virtue of the Warranty made by the Donor, repels the heir, because though the Land was tailed to him, yet he is heir to the Warrantor likewise: And this is called a Rebutter.

Again, if I grant to my Tenant to hold *Sine impetione vasti*, and afterward implead him for Waste made, he may debar me of this Action, by shewing my grant; which is likewise a Rebutter. Brook tit. Bar, num. 23 & 25. See the New Book of Entries, verbo, Rebutter. And Coke on Littl. fol. 365. a.

**Recaption** (*Recapio*) Signifies a second Distress of one formerly distrained for the same cause, and also during the Plea grounded on the former Distress. It likewise signifies a Writ, lying for the party thus distrained, the form and further use whereof, see in Fitz. Nat. Br. fol. 71. Reg. of Writs, fol. 86. and Reg. Judicial, fol. 69.

**Receiber** (*Receptor* and *Receptor*) Is used commonly in the civil part for such as receive stolen Goods from Thieves, and conceal them; but annexed to other words, as *Receiver of Rents*, &c. It signifies an Officer of good account, belonging to the King, or other great Personage. Crump. Jurisd. fol. 18. There is also an Officer called the *Receiver of the Fines* upon original Writs in Chancery.

**Receiber-General of the Dutchy of Lancaster**, Is an Officer belonging to the Dutchy Court, who gathers in all the Revenues and Fines of the Lands of the said Dutchy, and all Forfeitures and Assessments, or what else is thence to be received. Anno 39 Eliz. cap. 7.

**Receiber-General of the Quarter Rolls**. Anno 35 Eliz. cap. 4.

**Receit**. See *Resceit*.

**Recluse** (*Reclusus*) Is he who being entered into a Religious Order, is shut up there, and stirs not out of the House or Cloyster. Littl. fol. 92.

**Recognizance** (Fr. *Reconnaissance*, i. *Recognitio*) Is a Bond or Obligation, testifying the Recognizor to owe the Recognizee a sum of Money, and is acknowledged in some Court of Record, or before some Judge, Master of Chancery, Justice of Peace, &c. Anno 23 Hen. 8. cap. 6. Some Recognizances are not sealed, but enrolled; and Execution by force thereof, is of all the Recognizors Goods and Chattels (except Draught-Beasts, and Implements of Husbandry,) and the Moyety of his Lands. West,

Par. 1. Symb. lib. 2. st. 149. And Reg. of Writs, fol. 146, 151, & 252.

Recognizance hath another signification, as appears in the Statute of Westm. 1. cap. 36. For it is there provided and agreed, That if any Man be attainted of *Disseisin* done in the time of the King that now is, or for taking any manner of Goods, or Moveables, and it be found against him by Recognizance of Assise of Novel-Disseisin, the Judgment shall be, &c. where it is used for the Verdict of the Twelve Men impanelled upon an Assise; which Twelve are also called *Recognitors* of the Assise. Littl. fol. 72. *Bracton*, lib. 5. tra. 2. cap. 9. num. 2. and lib. 3. tra. 1. cap. 11. num. 16. See the Statute of 20 Edw. 1. stat. 4. and New Book of Entries, verbo, Recognizance.

**Recognizee**, Is he to whom one is bound in a Recognizance. Anno 11 Hen. 6. cap. 10.

**Recognition** (*Recognitio*) An acknowledgment. It is the title of the first Chapter of the Stat. 1 Jac.

**Recognitione annullanda per him & dritiem facta**, Is a Writ to the Justices of the Common Bench, for the sending a Record touching a Recognizance, which the Recognizor suggests to have been acknowledged by force and hard dealing; that, if it so appear, it may be disannulled. Reg. of Writs, fol. 183.

**Recognitors** (*Recognitores*) Is a word used for the Jury impanelled upon an Assise. The reason why they are so called, is, because they acknowledge a Disseisin by their Verdict. *Bracton*, lib. 5. tra. 2. cap. 9. num. 2. See Recognizance.

**Record** (from *Recordare*, to remember) Signifies an authentical and uncontrollable testimony in writing, contained in Rolls of Parchment, and preserved in Courts of Record, and they are said to be *Vetustatis & veritatis vestigia*. Coke Pref. to 8 Rep. An Act committed to writing in any of the Kings Courts, during the Term wherein it is written, is alterable, and no Record; but that Term once ended, and the Act duly enrolled, it is a Record, and of that credit, that admits no alteration or proof to the contrary. Brook tit. Record, num. 20. & 22. yet see *Cokes Rep. lib. 4. Rawlins Case*, fol. 52. b. The King may make a Court of Record by his Grant. *Glanville*, lib. 8. cap. 8. *Britton*, cap. 121. As Queen Elizabeth by Her Charter, dated 26 April, Anno 3 Regni sui, made the Consistory Court of the University of Cambridge, a Court of Record. There are reckoned three sorts of Records, viz. A Record Judicial, as Attainder, &c. A Record Ministerial upon Oath, as an Office or Inquisition found; & a Record made by Conveyance and Consent, as a Fine or Deed enrolled, or the like. *Coke lib. 4. Ogden's Case*, fol. 54. b.

**Recordare facias**, or **Recordari facias**, Is a Writ directed to the Sheriff, to remove a Cause, depending in an Inferior Court, as Court of Ancient Demesne, Hundred or County, to the Kings Bench or Common Pleas. Fitz. Nat. Br. fo. 71. B. & C. Where, and in what Cases

Cases, this Writ lies, read *Brook*, tit. *Recordare & Ponere*. It seems to be called a *Recordare*, because it commands the Sheriff, to whom it is directed, to make a Record of the proceedings by himself, and others, and then to send up the Cause. See the Register, verbo, *Recordare*, in the Table of Original Writs.

**Recordor** (*Recordator*) Is he, whom the Major, or other Magistrate of any City or Town Corporate, having Jurisdiction or a Court of Record, within their Precincts by the Kings Grant, does associate unto him, for his better direction in matters of Justice, and proceedings according to Law. And he is for the most part, a person well seen in the Common Law.

**Recordo & Processu Pittendis**, Is a Writ to call a Record, together with the whole Proceedings in the Cause, out of an Inferior Court into the Kings Court. See the Table of the Register of Writs.

**Recordo utlagaria mittendo**, Is a Writ Judicial, which see in Reg. Judic. fol. 32.

**Recovery** (*Recuperatio*, from the Fr. *Recoverer*, i. *Recuperare*) Signifies an obtaining any thing by Judgment or Tryal of Law, as *Evictio* does among the *Civilians*. But there is a true Recovery, and a feigned. The true one is an actual or real Recovery of any thing, or the value thereof by Verdict and Judgment. A feigned Recovery is a certain form or course set down by Law, to be observed for the better assuring Lands or Tenements unto us; the end and effect whereof is, to discontinue and destroy Estates in Remainder and Reversion, and to bar the Intails thereof. And to this Formality, there are (in a Recovery with single Voucher) required three parties, the Demandant, the Tenant, and the Vouchee. The Demandant, is he that brings the Writ of Entry, and may be termed the *Recoverer*. The Tenant is he, against whom the Writ is brought, and may be called the *Recoveree*. The Vouchee is he, whom the Tenant Voucheth, or calls to Warranty for the Land in demand. A Recovery with double Voucher, is where the Tenant voucheth one, who Voucheth another, or the Common Vouchee; and a Recovery with treble Voucher, is where three are Vouched. See West, par. 2. Symb. tit. Recoveries, st. 1.

But, to explain this Point: A Man, that is desirous to cut off an Estate-tail in Lands or Tenements, to the end, to sell, give, or bequeath them, causeth (by the contrivance of his Counsel or Attorney) a feigned Writ of Entry, *Sur Disseisin in le Poss*, to be brought for the Lands, of which he intends to dock or cut off the Intail; and, in a feigned Count or Declaration thereupon made, pretends he was disseised by him, who, by a feigned Fine or Deed of Bargain and Sale, is named and supposed to be Tenant of the Lands. This feigned Tenant, if it be a single Recovery, is made to appear and vouch the Bag-bearer of Writs, for the *Custos Brevirum*, in the Court of Common Pleas (in which Court onely the said Common

Recoveries are to be suffered) who maketh default; whereupon a Judgment is, by such Fiction of Law, entered, That the Demandant shall recover, and have a Writ of Seisin, for the possession of the Lands demanded, and that the Tenant shall recover the value of the Lands, against the Lands of the Vouchee-Bag-bearer, a poor unlanded and illiterate person, which is feigned to be a satisfaction for the Heir in Tail, though he is never to have or expect it; one *Edward Howes*, a Bag-bearer, and Common Vouchee, having in the space of 25 or 30 years, passed or suffered to be recovered against him, by such fictitious Actions and Pleadings, a considerable part of the Lands of England, and obliged his own Lands, when he had none at all, to answer the value of the Lands, recovered against the Tenants or Remainders in Tail. This feigned Recovery is also called a *Common Recovery*; because it is a beaten and Common Path to that end, for which it is ordained; viz. To cut off the Estates above specified. See New Book of Entries, verbo, Recovery.

**Recovery** (from the Fr. *Recouper*, i. To cut again; also to reply quickly and sharply to a peremptory Demand) We use it to Default or Discount. As, if a Man hath Ten pound issuing out of certain Land, and he disseises the Tenant of the Land in an Assise brought by the Disseisee, the Disseisor shall Recoupe the Rent in the Damages.

**Recreant** (Fr. *Cowardly*, faint-hearted. Hence *Recreantise*. See *Craven*).

**Reco**, Is a Writ, called a Writ of Right, which is of so high a nature, that whereas other Writs in Real Actions, are onely to recover the possession of the Lands or Tenements in question, which have been lost by an Ancestor, or by the Party Demandant himself, this aims to recover both the Seisin, which some Ancestor or the Demandant himself had; and also the property of the thing, whereof the Ancestor died not seised, as of Fee, and whereby are pleaded and tried both their Rights together, viz. That of Possession and Property. And if a Man once lose his cause upon this Writ, either by Judgment, Assise, or Battel, he is without remedy, and shall be excluded, *Per exceptionem rei judicate*. *Bracton*, lib. 5. tra. 1. cap. 1. & seq. where you may read much on this subject. See *Right*.

It hath two species: *Reffum Patens*, a Writ of Right Patent; and *Reffum Clausum*, a Writ of Right Close. The first is so called, because it is sent open, and is in nature the highest Writ of all other, lying always for him that hath Fee-simple in the Lands sued for, and nor for any other. And when it lies for him that challenges Fee-simple, and in what Cases, See Fitz. Nat. Br. fol. 1. C. whom see also fol. 6. or a special Writ of Right in London, otherwise called a Writ of Right, according to the Custom of London. This Writ is also called *Breve magnum de Reffo*. Reg. of Writs, fol. 9. and *Fleta*, lib. 5. cap. 32. st. 1.

**Writ of Right close**, Is a Writ directed to a Lord of ancient Demesne, and lies for those, who hold their Lands and Tenements by Charter, in Fee-simple, or in Fee-tail, or for term of life, or in Dower, if they are ejected out of such Lands, or disseised. In this case a man or his heir may sue out this *Writ of right close*, directed to the Lord of ancient Demesne, commanding him to do him right in his Court. This is also called *Breve parvum de Resto*, Reg. of Writs, fo. 9. and Britton. ca. 120. in fine. See also Fitz. Nat. Br. fo. 11. & seq.

Yet, note that the *Writ of right patent* seems to be extended farther in use than the original intention: For a Writ of right of Dower, which lies for the Tenant in Dower, is *patent*, as appears by Fitzherb., *Natura, Brevis*, fo. 7. E. The like may be said in divers other cases; of which see also the *Table of Reg. of Writs*, verbo, *Resto*. This Writ is properly tried in the Lords Court between Kinsmen, who claim by one title from their Ancestor. But, how it may be thence removed, and brought either to the County or Kings Court, see *Fleta*, lib. 6. ca. 3, 4 & 5. *Glanville* seems to make every Writ, whereby a Man sues for any thing due unto him, a *Writ of Right*, lib. 10. ca. 1. lib. 11. ca. 1. lib. 12. ca. 1.

**Writ of dote**, Is a Writ of Right of Dower, which lies for a Woman, that has received part of her Dower, and proceeds to demand the Remnant in the same Town, against the Heir. Of this see more in *Old Nat. Br.* fo. 5. and Fitz. fo. 7. E. Reg. of Writs, fo. 3. and *New Book of Entries*, verbo, *Droit*.

**Writ of dote unde nihil habet**, Is a Writ of right, which lies in case, where the Husband, having divers Lands or Tenements, has assured no Dower to his Wife, and she thereby is driven to sue for her Thirds against the Heir or his Guardian. *Old Nat. Br.* fo. 6. Reg. of Writs, fo. 170.

**Writ of rationabili parte**, Is a Writ that lies always between privies of Blood, as Brothers in *Gavelkind*, or Sisters, or other Coparceners, as Nephews or Nieces, and for Land in Fee-simple. For example, if a Man Lease his Land for Life, and afterwards dies, leaving issue two Daughters, and after the Tenant for life likewise dies, the one Sister entering upon all the Land, and so deforcing the other, the Sister so deforced shall have this Writ to recover her part. Fitz. Nat. Br. fo. 9. Reg. of Writs, fo. 3.

**Writ quando Dominus remittit**, Is a Writ of right, which lies in case where Lands or Tenements that are in the Seignoury of any Lord, are in demand by a Writ of right. For, if the Lord hold no Court, or otherwise, at the Prayer of the Demandant or Tenant, shall send to the Court of the King his Writ, to put the Cause thither for that time, (saying to him at other times the right of his Seignoury) then this Writ issues out for the other party, and has its name from the words therein comprised, being the true occasion thereof. This Writ is *close*,

and must be returned before the Justices of the Common-Bank: *Old Nat. Br.* fo. 16. Reg. of Writs, fo. 4.

**Writ de abbocatione Ecclesie**, Is a Writ of right, lying where a man has right of *Advowson*, and the Parson of the Church dying, a stranger presents his Clerk to the Church, and he not having brought his Action of *Quare impedit*, nor *darrein presentment* within six Months, but suffer'd the Stranger to usurp upon him. Which Writ he onely may have that claims the *Advowson*, to himself and his heirs in Fee. And, as it lies for the whole *Advowson*, so it lies also for the half, the third or fourth part. *Old Nat. Br.* fo. 24. Reg. of Writs, fo. 29.

**Writ de custodia terre & heredis**, Is a Writ, which, by the Stat. 12 Car. 2. ca. 24. is become useless; as to Lands holden in *Capite* or by *Knight-service*, but not where there is Guardian in Socage, or appointed by the last will and Testament of the Ancestor. The form of it see in Fitz. Nat. Br. fo. 139. & Reg. of Writs, fo. 161.

**Writ sur disclaimer**, Is a Writ that lies, where the Lord, in the Court of Common-Pleas, does avow upon his Tenant, and the Tenant *Disclaims* to hold of him, upon which *Disclaimer* he shall have this Writ, and if the Lord aver and prove, that the Land is holden of him, he shall recover the Land for ever. *Old Nat. Br.* fo. 150. which is grounded on the Statute of *Westm.* 2. ca. 2.

**Rector**, (Lat.) Signifies a Governor: And *Rector Ecclesie parochialis*, Is he that has the Charge or Cure of a Parish-Church, *qui tantum jus in Ecclesia parochiali habet, quantum Prelatus in Ecclesia Collegiata*. It has been over-ruled, that *Rector Ecclesie parochialis* is he that has a *Parsonage*, where there is a *Vicaridge* endow'd, and he that has a *Parsonage* without a *Vicaridge*, is called *Persona*: But, the distinction seems to be new and subtle. It is certain *Bracton* uses it otherwise (lib. 4. Traſt. 5. ca. 1.) in these words, *Et sciendum, quod Rectoribus Ecclesiarum parochialium competit Assisa, qui instituti sunt per Episcopos & Ordinarios, ut Personæ*. Where it is plain, that *Rector* and *Persona* are confounded. Note also these words there following; *Item dici possunt Rectores Canonici de Ecclesiis prebendatis. Item dici possunt Rectores, vel quasi Abbates, Priores & alii, qui habent Ecclesias ad proprium usum*. See *Vicar*.

**Rector**, (Reſtoria) Is taken pro integra Ecclesia parochiali, cum omnibus suis juribus, pradiis, decimis, aliisque proventibus speciebus. *Spelm.*

**Rectus in Curia**, i. Right in Court: Is he that stands at the Bar, and no man objects any offence against him. *Smith de Repub. Angl.* lib. 2. ca. 3.

**Reddendum**, Is used substantively for the clause in a Lease, &c. whereby the Rent is reserved to the Lessor. *Coke*, lib. 2. *Cromwells case*, fo. 72. b.

**Reddition**, (Redditio) Is a judicial confession and acknowledgment that the Land or thing in demand belongs to the Demandant, or at least not

not to himself. *Anno 34 & 35 Hen. 8. ca. 24. Perkins, Dower*, 379. 380.

**Redemption**, (Redemptiones) *Multa gravissima, utpote quæ pro estimatione capitis ipsius delinquentis impinguntur, Anglice Ranfomes*. See *Miserordia*.

**Redisseisin**, (Redisseisina) Is a Disseisin made by him, who once before was found and adjudged to have disseised the same Man of his Lands or Tenements: for which there lies a special Writ, called a *Writ of Redisseisin*. *Old Nat. Br.* fo. 106. *Fitz. Nat. Br.* fo. 188. See *New book of Entries* on this word. The punishment for *Redisseisin* see in the Stat. 52 Hen. 3. ca. 8.

**Redmans**, or **Radmans**, *Domesday in fine Cestrescire. Tit. Lanc. Blackburn Hundred*. — Rex E. tenuit Peneverdant. Ibi 11 Car. sunt in Dominio & 6 Burgenſes, & 3 Radmans, & 8 Vil. & 4 Bovar. These *Redmans* may be the same in signification as the *Rod* or *Rad Knights*, Men, which by the Tenure, or Custom of their Lands were to ride with, or for the Lord of the Manor about his business or affairs.

**Redubboz**, or **Adubboz**, Are those that buy stolen Cloth, and, to the end it may not be known, turn it into some other Colour or Fashion. *Briton. ca. 29.* and see 3 *Inst.* fo. 134.

**Re-entry**, (From the Fr. *Revenir*, i. *Rursus intrare*) Signifies the resuming or re-taking that possession, which we had lately foregone. As, if I make a Lease of Land or Tenement, I do thereby forego, or quit the Possession; and, if I condition with the Lessee that for non-payment of the Rent at the day, it shall be lawful for me to re-enter; this is as much, as if I conditioned to take again the Land into my own hands, and to recover the possession by my own fist, without the assistance of Judge or Process.

**Reer-County**. See *Rier County*.

**Re-extent**, Is a second Extent made upon Lands or Tenements, upon complaint made, that the former Extent was partially executed. *Brook, tit. Extents*, fo. 313.

**Regal fishes**, (*Anno 1 Eliz. ca. 5.*) Are *Whales* and *Sturgeons*; some add *Porpusses*. The King by His Prerogative ought to have every Whale cat on shore, or Wrecked in all places within this Realm (unless granted to Subjects by special words) as a *Royal-fish*. The King himself shall have the Head and Body, to make Oyl and other things, and the Queen the Tail to make Whalebones for her Royal Vestments. *Pat. 1 Edw. 1. m. 25. dorſo*. See *Traſt. de Auro Regine*, pa. 127.

**Regalia**, (*Anno 13 Eliz. ca. 16.*) Dicuntur jura omnia ad ſſum ſpectantia: The Rights of a King, which the Civilians say are six. 1. Power of Judicature. 2. Power of Life and Death. 3. All kind of Arming. 4. Matterless Goods. 5. Assessments. 6. And the value of Money. See *Royalities*. Also the Crown, Scepter with the Cross, Scepter with the Dove, St. Edwards Staff, four several Swords, the Globe, the Orbe with the Cross, and other such

like used at the Coronation of our Kings, are called *Regalia*. See the Relation of the Coronation of King Charles the Second in *Bakers Chron.*

**Regalis Justicia**. — *Item preſati Barones, (ſc. Quinque Portuum) habere debent; ut aſſerunt, per Chartam ſuam Regalem Juſticiam in villa Gernemuth, tempore Ferie una cum Balivo ſeu Præpoſito villa prædiſta, viz. Cognitionem Aſſe panis, ulnarum, ponderum & aliarum menſurarum, & ſimiliter boide Strand & Denthe, ſecundum conſuetudines ſuas uſitatas, &c.* Rot. Parl. 8 Ed. 2. Nu. 262.

**Regardant**. *Villain regardant*, was called *regardant* to the Mannor, because he had the charge to do all base, villanous services within the same, and to see the same freed of all filthy and loathsome things that might annoy it, *Coke on Litt.* fo. 120. This word is onely applied to a Villain or Neif, yet in old Books it was sometimes apply'd to Services. *ibid.*

**Regard**, (*Regardum & Rezardum*) from the Fr. *Regard*, i. *Aspectus, respectus*; though it has a well-known general signification of any care or respect, yet a special also, wherein 'tis used onely in matters of the Forest, and there two ways; one for the Office of the *Regarder*, the other for the compass of ground belonging to the *Regarders* charge. *Crompt. Jurisd.* fo. 175. 199. Touching the former, thus *Manwood*. *The Eyre, general Sessions of the Forest, or Justice seat*, is to be kept every third year; and, of necessity the *Regarders* of the Forest must first make their *Regard*, which must be done by the Kings Writ; And, the *Regarder* is to go through the whole Forest, and every Barlywic, to see and enquire of the *Trespases* therein; ad videndum, ad inquirendum, ad imbrevidandum, ad certificandum, &c. Part 1. Pa. 194, & 198. Touching the second, the compass of the *Regarders* charge is the whole Forest, that is, all that ground which is parcel of the Forest; for, there may be Woods within the limits of the Forest, which are no part thereof, and those are without the *Regard*. *Manwood*, Part 2. ca. 7. num. 4. *Anno 20 Car. 2. ca. 3.*

**Henricus Rex Anglorum omnibus Forestariis suis de Gloucestershire, salutem**. Sciatis me concessisse & presenti carta confirmasse Ecclesie S. Jacobi de Briſtowa (in qua sepultus est Robertus Comes Glouceſtriæ avunculus meus) & Monachis ibidem Deo ſervientibus, pro ſalute mea, & pro anima ipſius Comitis, quod terra ipſius Eccleſie, & Monachorum in ea Deo ſervitium de Cifſeleia, & boſcus ejusdem terre, ſint quieti de Reſwardo & decimationis exigentia pro Effartis. Et prohibeo ne inter Aſſarta amodo computetur. Teſte Roberto Epifcopo Winton.

**Regarder**, (*Regardator*, Fr. *Regardeur*, i. *ſpectator*) Is an Officer of the Kings Forest, who is ſworn to make the *Regard* of it, as has been used in ancient time; and, to view and enquire of all offences of the Forest, as well of Vert, as of Veniſon, and of all concealments of any offences



offences or defaults of the Foresters, and all other Officers of the Kings Forest, concerning the Execution of their Offices, &c. More particulars of the *Regarders* Office, how he is chosen, and the form of his Oath, see in *Munwood*, par. 1. pag. 188. 195. & 207. & *Crompt. Juris. fol. 153.*

**Regio Assensu**, Is a Writ, whereby the King gives His Royal Assent to the Election of a Bishop or Abbot. *Reg. of Writs, fol. 294. b.*

**Registrum** (Registrum, from the old Fr. *Gifre*, i. In lecto reponere, suo loco constituere) Signifies the Office, Books, and Rolls, wherein the proceedings of the Chancery, or any Spiritual Court, are recorded: The Writer and Keeper whereof, is called the *Register*, in Latin *Registrarius*.

*Register* is also the name of a Book, wherein are expressed most of the Forms of Writs used at the Common Law, called the *Register of the Chancery*; of which, thus *Spelman* — *Codex dicitur quo Brevia Regia, tam originalia quam judicialia formularum inscribuntur; Hujus Codicis meminit Westm. 2. cap. 24. & 25.* This *Register* is one of the most ancient Books of the Common Law; according to *Coke on Litt. fol. 159.*

**Register of the Parish Church** (*Registrum Ecclesie Parochialis*) Is that wherein Baptisms, Marriages, and Burials are, in each Parish, every year orderly Registered. Which was laudably instituted by the Lord Cromwell in September, Anno 1538. While he was Vicar-General to King Henry the Eighth.

**Regius Professor** (Anno 12 Car. 2. ca. 17.) Henry the Eighth founded Five Lectures in each University, viz. Of Divinity, Hebrew, Greek, Law, and Physick; the Readers of which Lectures are called in the University Statutes, *Regii Professores*.

**Regrator** (*Regratarius*, Fr. *Regrateur*) Did anciently signify such, as bought by great, and sold by retail. *Anno 27 Edw. 3. stat. 1. cap. 3.* But now it signifies him that buys and sells any Wares or Victuals, in the same Market or Fair, or within four miles thereof. *Anno 5 Edw. 6. cap. 14. & 13 Eliz. 25.* In the Civil Law he is called *Dardanarius*, a *Dardano* quodam hujus seculi auctor. In ancient time, both the *Ingrasser* and *Regrator* were comprehended under the word *Forsfaller*. 3 *Inst.* 195.

**Rehabere facias testnam quando Vicecomes liberabit testnam de majore parte, quam deberet**, Is a Writ Judicial. *Reg. of Writs Judic. fol. 13. 51.* There is another Writ of this Name and Nature, *fol. 54.*

**Rehabilitation** (Anno 25 Hen. 8. cap. 21.) Is one of those Exactions mentioned in the said Statute, to be claimed by the Pope heretofore in England; and seems to signify a *Bui* or *Breve*, for re-inabling a Spiritual Person to exercise his Function, who was formerly disabled; or a restoring to former ability.

**Rejoinder** (*Rejoindio*) Signifies an Answer or Exception to a Replication: For first, the

Defendant puts in an Answer to the Plaintiffs Bill, which is sometimes called an *Exception*. The Plaintiffs Answer to that, is called a *Replication*; and the Defendants to that, *Duplication*, in the Civil Law, and *Rejoinder* with us, especially in Chancery. *West, par. 2. Symbol. tit. Chancery, sect. 56.*

**Rekpenia**. Constitut. Rob. Dunelm. Episc. Anno 1276. cap. 3. — *Porro huic Sanctiioni adjicimus, quod si plures liberi proprium habentes, in parontum pariter familia vivanti, ad denarios qui nuncupantur Rekpenia minime arceantur, cum sic communiter intrinsecis aluntur a parentibus, sic in extrinsecis ab eisdem latentur pariter se defendi.*

**Relation** (*Relatio*) Is, where, (in consideration of Law) two times, or other things are considered, as if they were all one; and by this, the thing subsequent is said to take his effect by relation at the time preceding: As if A. deliver a writing to B. to be delivered to C. as the Deed of A. when C. hath paid a sum of Money: Now when the Money is paid, and the writing delivered, this shall be taken as the Deed of A. at the time when it was first delivered. So Bills of Parliament, to which the King Assents on the last day of Parliament, shall relate, and be of force, from the first day of the beginning of the Parliament. *Coke (lib. 3. Butlers Case)* says it is *Filio juri*.

**Release** (*Relaxatio*) Is an Instrument, whereby Estates, Rights, Titles, Entries, Additions, and other things, are sometimes extinguished, sometimes transferred, sometimes abridged, and sometimes enlarged. *West, par. 1. Symbol. lib. 2. sect. 509.* And there is a Release in fact, and a Release in Law. In fact, is that which the very words expressly declare; in Law, is that which acquits by way of consequent, or intendment of Law; an example whereof, you have in *Perkins, Grants*, 71. How these are available, and how not, see *Littleton* at large, *Lib. 3. cap. 8.* And of divers sorts of Releases, see *New Book of Entries, verbo, Release*.

**Releif** (*Relevamen, Relevium*) Signifies a certain sum of Money, which the Tenant, holding by Knight-service, Grand Sergeanty, or other Tenure, for which Homage or Regal-service was due, and after the death of his Ancestor, paid to his Lord at his entrance. *Mag. Charta, cap. 2. and 28 Edw. 1. stat. 1. Bracton, lib. 2. cap. 36.* says it is called a *Releif*, *Quia hereditas, qua jacens fuit per Antecessorum decessum, relevatur in manus heredum, & propter factam relevationem, facienda erit ab herede quodam prestatio, qua dicitur Relevium*. See the Stat. 12 Car. 2. cap. 24. A *Releife* is likewise paid in *Soccage, Tenure, or Petit Sergeanty*, where a Rent, or any thing is paid, by rendering as much as the Rent, or payment reserved.

**Relegation** (*Relegatio*) A banishing, or sending away. As *Abjuration* is a forswearing the Realm for ever; *Relegation* is taken for a banishment for a time only. *Coke on Litt. fol. 133.*

**Religiosi**,

**Religiosi**, Religious men, such as enter'd into some Monastery, or Convent. In ancient Deeds of sale of Land we often find the Vendeor restrain'd from giving or alienating it *Viris Religiosis vel Judais*; to the end the Land might not fall into Mortmain. See *Judaism*. — *Rex Vicecom.* — *Præcipimus tibi quod clammari facias sine dilatione per comitatum tuum, quod nulli, sicut diligunt corpora & catalla sua, malum faciant vel dicant viris Religiosis vel Clericis, contra pacem nostram; Et si quem inde attingere possimus, ad proximum quercum cum suspendi faciemus.* T. incipso apud Marlebergh, xi Apr. Clauf. 9 Joh. m. 5.

**Remainder**, (*Remanentia*) Signifies an Estate limited in Lands, Tenements, or Rents to be enjoyed after the Estate of another expired. For example, a man may grant Land to one for term of his life, the remainder to another for term of his life. *Litt. ca. Attornment, fol. 113.* And this *Remainder* may be either for a certain term, or in Fee-simple, or Fee-tail, as appears by *Brack, tit. Done & Remainder, fol. 245.* — *Glanville, lib. 7. ca. 1. in fine*, has these words; *Notandum, quod nec Episcopus, nec Abbas, quia eorum Bavonie sunt de Elemosina Dom. Regis, & antecessorum ejus, non possunt de Dominicis suis aliquam partem dare ad remanentiam, sine assensu & confirmatione Domini Regis.* In like sort *Bracton* uses it, *lib. 2. ca. 23. & lib. 4. Tract. 2. ca. 4. nu. 4.* See *New Book of Entries, verbo Remainder*. In eo igitur differunt *Remanentia* & *Reversio*: hæc post statutum terminum ad donatorem vel heredes suos (uti in fontem) remeant: illa vero ad tertium quempiam (sen extraneum) progreditur. *Spelm.*

**Remembrancers of the Exchequer**, (*Rememoratores Scaccarii*) are three Officers; one called the *Kings Remembrancer*, (Anno 35 Eliz. ca. 5.) The second the *Lord Treasurers Remembrancer*, upon whose charge it lies, to put the Lord Treasurer, and the rest of the Justices of that Court in remembrance of such things as are to be called on, and dealt in for the Kings behoof. The third is called the *Remembrancer of the first-fruits*, Anno 5 Rich. 2. Stat. 1. ca. 14 & 15. These (Anno 37 Edw. 3. ca. 4.) are called *Clerks of the Remembrance*.

The *Kings Remembrancer* enters in his Office all Recognizances taken before the Barons for any the Kings Debts, for appearances, or observing of Orders; he takes all Bonds for the Kings Debts, for appearance or observing Orders, and makes Proces upon them, for the breach of them. He Writes Proces against the Collectors of Customs, Subsidies, and Fifteenths, for their accounts. All Informations upon Penal Statutes are entered in his Office; and all matters upon English Bills in the Exchequer Chamber remain in his Office. He makes the Bills of Compositions upon penal Laws, and takes the stalment of Debts; He has deliver'd into his Office all manner of Indentures, Fines, and other Evidences, that concern the assuring or passing any Lands to or from the Crown. He yearly in *Crasino animarum* reads in open

Court the Statute for election of Sheriffs, and gives them their Oath: he reads in open Court the Oath of all the Officers of the Court, when they are admitted.

The *Treasurers Remembrancer* makes Proces against all Sheriffs, Escheators, Receivers, and Bailiffs for their accounts: He makes Proces of *Fieri Facias* and *Extent*, for any Debts due to the King, either in the Pipe, or with the Auditors; makes Proces for all such Revenue, as is due to the King by reason of his Tenures. He makes Record, whereby it appears whether Sheriffs and other Accountants pay their Profers due at *Easter* and *Michaelmas*. He makes another Record, whether Sheriffs and other Accountants keep their dayes of Prefixion. All *Effreats* of Fines, Issues, and Amerciaments, set in any Courts of Westminster, or at the Assizes or Sessions, are certify'd into his Office, and are by him deliver'd to the Clerk of the *Effreats* to make out Proces upon them. There are also brought into his Office all the Accompts of Customes, Controllers, and other Accountants, to make entry thereof on Record. See *Repertory of Records, fol. 121.*

The *Remembrancer of the first-fruits* takes all Compositions, and Bonds for First-fruits and Tenths, and makes Proces against all such as pay not the same.

**Remitter**, (from the Lat. *Remittere*, to restore, or send back,) Where a man has two titles to Land; and is seised of the later, and, that proving defective, he is restored to the former more ancient title; This is a *Remitter*, *Fitz. Nat. Br. fol. 149. F. Dyer, fol. 68. num. 22.* and see *Brook, tit. Remitter*. If Land descend to him that has right to it before, he shall be remitted to his better Title, if he will. *Dobson and Student, ca. 9. fol. 19. b.* See *Terms of the Law*, on this word, & *Coke on Litt. li. 3. c. 12.*

**Rendre**, (from the Fr. *Rendre*. i. *Reddere*, *Retribuere*) and so it signifies with us. A Fine with render, is, where Lands are render'd back by the Cognizance to the Cognizor. Also there are certain things in a Mannor that lie in *Frender*, that is, which may be taken by the Lord or his Officers when they chance, without the Tenants leave, as *Escheats*, &c. and certain that lie in *Rendre*, that is, must be rendered or answer'd by the Tenant, as *Rents*, *Reliefs*, *Heriots*, and other Services. *West, Par. 2. Symbol. Sect. 126. C.* Also some Service consists in *scitanee*, some in *Rendre*. *Perkins, Reservations*, 696.

**Renegeld**. Per *Renegeld Johannes Stanley* Ar. clamat habere de qualibet bovata terra infra feodum de Aldford 1 d. exceptis Dominicis terris & terris in feodo prædicto infra Hundred de Macclefeld. Rot. Plac. in Itin. apud Cestriam, 14 Hen. 7.

**Renobant**, (from *renovo*, to renew, or make again) — *The Parson sued one for Tithes to be paid of things renovant, but this Horse, being onely for labor and travel, would not renew*, &c. *Croke 2 Part, fol. 430.*

**Rent**, (*Reditus*) Is a sum of Money, or other consideration, issuing yearly out of Lands. K k k  
or

or Tenements. *Plowden, Casu, Browning, fo. 132. b. 138. a. & 141. b.* Of which there are three sorts; *Rent-service*, *Rent-charge*, and *Rent-seck*. *Rent-service* is, where a man holds his land by fealty, and certain rent, or by Fealty, Service and Rent. *Litt. lib. 2. ca. 12. fo. 44.* or that which a man, making a Lease to another for years, reserves yearly to be paid him for the same. *Rent-charge* is, where a man chargeth his Land or Tenements, by Deed indentured, either in Fee, Fee-tail, or for term of life, with a sum of Money to be paid to the Grantee yearly, with clause of distress for not payment thereof, *Litt. ubi supra*. *Rent-seck*, otherwise *Dry-rent*, is that, which a man, making over an Estate of Lands or Tenements by Deed indentured, reserves yearly to be paid him, without Clause of Distress, mentioned in the Indenture. See more on this subject in the *Terms of the Law*; and the difference between a *Rent* and an *Annuity* in *Dottor and Student, ca. 30. Dial. 1.*

**Rents resolute**, ( *Redditus resoluti* ) Are reckon'd among the Fee-farm Rents, to be sold by the Stat. 22 Car. 2. ca. 6. and are such Rents or Tenths, as were anciently payable to the Crown from the Lands of Abbies and Religious-Houses, and, after the dissolution, these Abby-lands being demised to others, the said Rents were still reserved, and made payable again to the Crown.

**Renusiator**, — *Ex sunt communes latrones & Renusiatores hominum*, &c. *Trin. 28 Ed. 3. Ebor. 37. q.*

**Reparatione facienda**, Is a Writ that lies in divers cases, whereof one is, where there are three Tenants in Common, Join-tenants, or *pro indiviso*, of a Mill or House, which is fallen into decay, and the one is willing to repair it, the other two not. In this case the party willing shall have this Writ against the other two, *Fitz. Nat. Br. fo. 127.* where you may see the form and many uses of it, as also in *Reg. of Writs, fo. 153. b.*

**Repeal**, (From the Fr. *rappel*, i. *revocatio* ) Signifies the same with us, as the *Repeal* of a Statute, is the revoking or disannulling it. *Brook* uses *Repeallance* in the same sense.

**Re-pleader**, ( *Replacitare* ) Is to plead again, that which was once pleaded before. See *Brook* and *New Book of Entries, verbo, Repleader*.

**Replegiari de averia**, Is a Writ brought by one, whose Cattel are distrained, or put in pound upon any cause by another, upon surety given to the Sheriff to pursue, or answer the Action at Law. *Anno 7 Hen. 8. ca. 4. Fitz. Nat. Br. fo. 68.* See *Reg. of Writs* for divers sorts of this Writ; *New Book of Entries, verbo, Replevin*, and *Dyer, fo. 173. m. 14.*

**Replevie**, ( *Plevina* ) Is derived of *replegiare*, to re-deliver to the owner upon pledges or surety; and signifies the bringing the Writ called *Replegiari facias*, by him that has his Cattel or other goods distrained by another for any cause, and putting in Surety to the Sheriff, that upon delivery of the thing distrained, he will pursue the Action against him that distrained,

*Coke on Litt. lib. 2. ca. 12. Sect. 219.* Goods may be replevied two manner of wayes, viz. by Writ, and that is by the Common-Law, or by Plaint, and that is by Statute-Law, for the more speedy having again of their Cattel and Goods. Replevie is used also for the bailing a man, *Pl. Cor. fo. 72. 74. and Westm. 1. ca. 11. and 15.*

**Replevish**, ( *Replegiare* ) Is to let one to Main-prise upon surety. *Anno 3 Ed. 1. ca. 11.*

**Replication**, ( *Replicatio* ) Is an exception of the second degree made by the Plaintiff upon the first Answer of the Defendant, *West, par. 2. Symb. tit. Chancery, Sect. 53. and Westm. 2. ca. 36.* It is that which the Plaintiff replies to the Defendants Answer in *Chancery*; and, this is either *General* or *Special*. *Special* is grounded upon matter arising out of the Defendants answer, &c. *General*, so called, from the general words therein used.

**Report**, ( From the Lat. *Reportare* ) Is a publick relation, or a bringing again to memory Cases judicially argued, debated, resolved, or adjudged in any of the Kings Courts of Justice, with such causes and reasons as were delivered by the Judges of the same. *Coke on Litt. fo. 293.* Also when the *Chancery*, or other Court refers the stating some case, or computing an account, &c. to a Master of Chancery, or other Referree, his Certificate therein, is called a Report.

**Reposition of the Forest**, (i. A re-putting to) Was an Act whereby certain Forest-grounds, being made *Purview* upon view, were by a second view laid or put to the Forest again. *Manwood, Par. 1. Pa. 178.*

**Reprisa**, ( *Reprisalia* ) From the Fr. *Reprise*, i. *Recaptio, vel captio rei unius in alterius satisfactionem* ) Is all one in the Common and Civil Law. *Reprisalia est potestas pignorandi contra quemlibet de terra debitoris data Creditori pro injuria & damnis acceptis.* *Vocab. utriusque Juris.* This among the Ancient Romans was called *Clavigatio*. In the Statute 27 Edw. 3. Stat. 2. ca. 17. it is called *Law of Marque*; because one destitute of Justice in another Territory, redresseth himself by the goods belonging to Men of that Territory.

**Reprises**, (Fr. Resumptions, or takings back.) We use it for deductions and duties, which are yearly paid out of a Mannor or lands, as Rent-charges, Pensions, Fees or Stewards, or Bailiffs, &c. Therefore we say the Mannor of *Dale* yields 40 l. per annum *ultra Reprizas*, besides all Reprises.

**Requesita**, ( *Curia Requisitionum* ) See in Court. The place where this Court was held, was anciently called *Camera alba*. *Rot. Parl. Anno 17 Edw. 3.*

**Resceit**, ( *Receptio* ) Is an admission, or receiving a third person to plead his right, in a cause formerly commenced between other two, *New Book of Entries, verbo Resceit*. As if Tenant for life or years brings an Action, he in the Reversion comes in, and prays to be received, to defend the Land, and to plead with the Demandant.

mandant. See *Brook Tit. Resceit, fo. 205.* and *Perkins, Dower, 448.* *Resceit* is also apply'd to an admittance of Plea, though the controversy be only between two. *Brook. tit. Esloppel. Coke on Litt. fo. 192. b.*

**Resceit of homage**, ( *Receptio Homagii* ) Is the Lords receiving Homage of his Tenant at his admission to the Land. *Kitchin, fo. 148.* See *Homage*.

**Rescous**, ( *Rescussus* ) From the Fr. *Rescousse*, i. *Liberatio, redemptio* ) Is an illegal taking away, and setting at liberty, a Distress taken, or a person arrested by Process, or course of Law; which is a *Rescous* in Deed: And, where a man has taken a Distress, and the Cattel distrained, as he is driving them to the Pound, happen to go into the House of the owner, if he that took the distress demand them of the owner, and he deliver them not, this is a *Rescous* in Law. *Coke on Litt. lib. 2. ca. 12. Sect. 237.* It is also used for a Writ which lies for this fact, called *Breve de rescussu*, whereof you may see both the form and use in *Fitz. Nat. Br. fo. 101. Reg. of Writs, fo. 125.* and *New Book of Entries, verbo Rescous*: This, in some cases, is Treason, upon matters of Treason, and in some Felony, in cases of Felony. *Crompt. Justice, fo. 54. b.*

**Rescussor**, Is he that commits such a Rescous. *Crokes Rep. 2 Part, fo. 419.*

**Reseiser**, ( *Reseizare* ) Is a taking again of Lands into the Kings hands, whereof a general Livery or *Ouster le main* was formerly misfued, contrary to order of Law. *Stamf. Praerog. 26.* See *Resumption*.

**Reservation**, ( *Reservatio* ) A providing for store; as when a man departs with his Land, but reserves or provides for himself a rent out of it for his own livelihood. Sometimes it serves to reserve a new thing, and sometimes to except part of the thing in esse that is granted. See *Perkins Reservations, per totum*.

**Resiance**, ( *Resantia* ) From the Fr. *Rescant vel resseant*, i. *Resident* ) Signifies a Mans abode or continuance in a place, *Old Nat. Br. fo. 85.* Whence also comes the participle *resiant*, that is, continually dwelling or abiding in a place, *Kitchin, fo. 33.* It is all one in truth with *residence*, but that custom ties this only to persons Ecclesiastical. *Veteri autem jure nostro etiam & Scotico aliud significat, utpote morbum validum seu veteranum, quo quis exire de suis adibus prohibetur.* *Essonium igitur quod de malo lecti nuncupatur; hoc est excusatio, quod ratione infirmitatis sistere se in foro non valet, essonium nuncupant de rescantia.* *Glanville, lib. 1. ca. 11.* — *Quandoque intervenit (Essonium) ex infirmitate de rescantia. Ubi in margine notatur; Essonium de rescantia idem valet quod essonium de malo lecti.* — *Et Galli apertius dixerunt Exoine de mal rescant.* *Spelm.*

**Residence**, ( *Residentia* ) Is peculiarly used both in the Canon and Common-Law, for the continuance or abode of a Parson or Vicar upon his Benefice: The default whereof (except

the party be qualify'd and dispensed with) is the loss of ten pounds for every month. *Anno 28 Hen. 8. ca. 13.*

**Resignation**, ( *Resignatio* ) Is used particularly for the yielding up a Benefice into the hands of the Ordinary, otherwise called *renunciatio* by the Canonists. And, though it signifies all one in nature with the word *Surrender*, yet it is by use restrained to the yielding up a Spiritual Living as aforesaid, and *Surrender* to the giving up Temporal Lands into the hands of the Lord. And, a *Resignation* may now be made into the hands of the King, as well as of the Diocesan, because he has *Supremam Auctoritatem Ecclesiasticam*, as the Pope had here in times past. *Plowden, Casu Grendon, fo. 498.*

**Resort**, or **Resort**, (Fr.) Is a word used properly in a Writ of *Wyle or Conscience*, as *Descent* is in a Writ of *right*: In French it signifies the Authority or Jurisdiction of a Court. — *Salvo tamen tam resorto quam aliis jure nostro, & jure etiam alieno.* *Lit. Pat. Philip le Hardy R. Franc.*

**Respectu computi bicomitis habendo**, Is a Writ for the respiting a Sheriffs account, upon just occasion, directed to the Treasurer and Barons of the Exchequer, *Reg. fo. 159.* and 179.

**Respite**, ( *Respectus* ) Is used for a delay, forbearance, or continuation of time. *Præcipio tibi, quod poni facias in respectum usque ad aliquem terminum competentem.* *Glanville, lib. 12. ca. 9.* in *Brevi Regis*.

**Respite of Homage**, ( *Respectus Homagii* ) Is the forbearance of Homage, which ought first of all to be performed by the Tenant, holding by Homage; but, it had the most frequent use in such as held by Knight-service in *Capites*, who did pay into the Exchequer every fifth Term, some small Summ of Money to be respited, the doing their Homage, see the Stat. 12 Car. 2. ca. 24. whereby this Respite of Homage is taken away, as a charge incident, or arising from Knight-service, &c.

**Respondent superiorem**, Where the Sheriffs are removable, as in London, for insufficiency, *respondent superior*, that is, the Mayor and Commonalty of London. *Per insufficiency del Bailiff d'un Libertie, respondent Dominus libertatis.* 44 Ed. 3. 13. See 4 Inst. fo. 114.

**Respondentis**, ( *qui Responsum desert* ) Is he that appears for another in Court at a day assigned, *Glanville, lib. 12. ca. 1.* But *Fleta*, ( *lib. 6. ca. 11.* ) makes a difference between *Attornatum*, *Respondentem* & *Respondentem*; as if *Respondent* came only to allege the cause of the parties absence, be he the demandant or tenant; and *Respondentis* came for the Tenant, not only to excuse his absence, but to signify what trial he meant to undergo, viz. the Combat or the Country. See *Attorney*.

**Responsions**, ( *Responsiones* ) Seems to be a word used particularly by the Knights of St. John of *Hierusalem*, for certain accounts made to them by such as held their Lands or Stocks, *Artho 32 Hen. 8. ca. 24.*

**Restitution, (Restitutio)** Is a yielding up, or Restoring any thing unlawfully taken from another. It is also used for the setting him in possession of Lands or Tenements, who had been unlawfully dispossessed of them; which, when to be done, and when not, see *Crompt. Just. of P. fo. 144. usque 149.*

**Restitutio extracta ab Ecclesia,** Is a writ to restore a Man to the Church, which he had recover'd for his Sanctuary, being suspected of Felony. *Reg. of Writs, fo. 69. 2.*

**Restitutio tempozalium,** Is a Writ that lies where a man, being elected and confirmed Bishop of any Diocess, and has the Kings Royal assent thereto, for the recovery of the Temporalities or Barony of the said Bishoprick. Which is directed from the King to the Escheator of the County, the form whereof you have in *Reg. of Writs, fo. 294.* and in *Fitz. Nat. Br. fo. 269.*

**Resummons, (Resummonitio)** Signifies a second Summons, or calling a man to answer an Action, where the first Summons is defeated, or suspended by any occasion, as the death of the party, or such like. See *Brook tit. Resummons, fo. 214.* See of these four sorts, according to four divers cases in the Table of *Reg. of Writs Judicial, fo. 1.* and *New Book of Entries, verb. Reattachment & Resummons.*

**Resumption, (Resumptio)** Is particularly used for the taking again into the Kings hands such Lands or Tenements, as before, upon false suggestion or other Error, he had granted by Letters-Patent to any Man, *Brook tit. Repellance & Resumption, fo. 298.* And so it is used *Anno 31 Hen. 6. ca. 7. & 19 Hen. 7. ca. 10* See *Refeiser.*

**Retail, (Anno 3 & 4 Ed. 6. ca. 21.)** *Qui rem integram ementes, per miniores eam partes distrabebant. Anglice,* to buy by gear, and sell by Retail, i. by parcels.

**Retainer, (from Retineo)** Signifies a Servant, not menial nor familiar, that is, not continually dwelling in the house of his Lord or Master, but only wearing his Livery, and attending sometimes upon special occasions. This Livery was wont to consist of Hats (or Hoods) Badges, and other suites of one Garment by the year, and were given by Lords and great Men many times on purpose for maintenance and quarrels, and therefore have been justly prohibited by many Statutes, as by 1 R. 2. ca. 7. upon pain of Imprisonment and grievous forfeiture to the King. And again, *Anno 16 ejusdem, ca. 4. & 20 ejusdem, ca. 1 & 2.* and 1 Hen. 4. ca. 7. By which the Offenders herein should make Ransom at the Kings will; and any Knight or Esquire hereby duly attainted, should lose his said Livery, and forfeit his Fee for ever, &c. which Statute is further confirmed and explained *Anno 2 Hen. 4. ca. 21.* and *Anno 7 ejusdem, ca. 3.* & *Anno 8 Hen. 6. ca. 4.* And yet this offence was so deeply rooted, that Edward the Fourth was forc'd to confirm the former Statutes, and further to extend the meaning of them, as appears by 8 Edw. 4. ca. 2. adding a

special pain of five pounds on every man that gives such Livery, and as much on every one so retained, either by Writing, Oath, or Promise for every Moneth. These by the Feudists are called *Affidati*: And, as our Retainers are here forbidden, so are those *Affidati* in other Countries. But, most of the above mentioned Statutes are repealed by 3 Car. 1. ca. 4.

**Retenementum, (from Retineo)** A withholding, retaining, or keeping back — *Sine ullo retenemento* was a frequent expression in old Deeds.

**Retraxit,** Is so called, because it is the emphatical word in the Entry; and is, where the Plaintiff or Demandant comes in person alone, or with the Defendant into Court, and says, *He will proceed no further*; which is peremptory, and a perpetual Barr, and may be pleaded as such to the Plaintiff in the same Action for ever. *Qui semel Actionem renuntiavit, amplius repetere non potest.* Coke on Litt. lib. 2. ca. 11. S. 208. where you shall find the difference betwixt *Nonfuit* and *Retraxit*.

**Return, (Returna vel retorna)** From the Fr. *retour, i. Reditio, reversio* has two particular applications, namely, the return of Writs by Sheriffs and other Officers, which is a Certificate made to the Court from whence the Writ issued, of that which they have done, touching the execution of the same Writs. Of returns in this signification, speaks the Statute of *Westm. 2. ca. 39.* So is the Return of a Commission, a Certificate, or answer to the Court of that which is done by the Commissioners, Sheriff, Bailiff, or others, unto whom such Writs, Commissions, Præcepts, or Mandats, are directed.

Also certain days in every Term are called *Returns*, or *Days in Bank*: As *Hilary Term* has four Returns, viz. *Ostibus Hilarii, Quindena Hilarii, Crastino Purificationis, Ostibus Purificationis*: *Easter Term* five, viz. *Quindena Pasche, Tres Pasche, Mensis Pasche, Quinque Pasche* and *Crastino Assensionis Domini*. *Trinity Term* four, viz. *Crastino Trinitatis, Ostibus Trinitatis, Quindena Trinitatis, Tres Trinitatis*: And *Michaelmas Term* six Returns, viz. *Tres Michaelis, Mensis Michaelis, Crastino annularum, Crastino Martini, Ostibus Martini, Quindena Martini*. See the Statutes of *Days in Bank, Anno 51 Hen. 3. 32 Hen. 8. ca. 21.* and 17 Car. 1. ca. 6.

The other Application of this word is in case of *Replevin*; for, if a man distrain Cattel for Rent, &c. and afterwards so justify or avow his act, that it is found lawful, the Cattel, before deliver'd to him that was distrained, upon security given to follow the Action, shall now be returned to him that distrained them, *Brook tit. Return d'avers & hommes, fo. 218.*

**Retorno habendo,** Is a Writ that lies for him, who has avow'd a Distress made of Cattel, and proved his Distress to be lawfully taken, for the return of the Cattel distrained, unto him, which before were replevied by the party distrained, upon surety given to pursue the Action, or when the Plaint or Action is removed by *Recordari*; or *Accedens ad Curiam*, into the Court

Court of *Common Pleas*, and he, whose Cattel were distrained, makes default, and doth not declare or prosecute his Action.

**Returnum Abrogatum,** Is a Writ Judicial, and the same with *Retorno Habendo*, granted to one impleaded for taking the Cattel of another, and unjust detaining them *Contra vadium & Plegios*; and appearing upon Summons, is dismissed without day, by reason the Plaintiff makes default, and doth not declare *ut supra*, and it lies for the return of the Cattel to the Defendant, whereby he was summoned, or which were taken for security of his appearance upon the Summons. *Registr. of Writs Judic. fol. 4. a.*

**Returnum Irreplegiabile,** Is a Writ Judicial, sent out of the *Common Pleas* to the Sheriff, for the final restitution or return of Cattel to the owner, unjustly taken by another, as Damage-Feisant, and so found by the Jury before Justices of Assize in the County; or otherwise, by default of Prosecution. For which, see *Reg. of Writs Judic. fol. 27.*

**Rebe alias Grebe (Germanice Grebe, Sax. Gepepa. Præfatus, Præpositus)** Signifies the Bailiff of a Franchise or Mannor, especially in the West parts. Hence *Shire-reeve*, a Sheriff. See *Kitchin, fol. 43.* See *Greve*, and *Shiref*, and *Tun-greve*. See *Verslegan, cap. 10.* and *Church-reve*.

**Rebeland.** See *Teinland*.

**Rebvenue (Fr. Revenue)** Signifies properly the Yearly Rent and Profits that accrews to every Man from his Lands and Possession.

**Reversion (Reversio)** Signifies a returning again: Therefore *Reversio terra est tanquam terra revertens in possessione Donatori sive hæredibus suis post donum finitum.* Coke on Litt. fol. 142. b. It hath a double acception; the one is, *Qui revertendi cum status possessionis desocerit*; and this is but an interest in the Land, when the Occupation and Possession of it shall fall, and so it is commonly taken. 2. When the Possession and Estate, which was parted with for a time ceaseth, and is determined in the persons of the Alienees, Assignees, Grantees, or their Heirs, or effectually returns to the Donor, his Heirs, or Assigns, whence it was derived. This is the most proper signification of the word, which is derived from *Revertor*, & *apte dici non potest Reversio, antequam revertatur in factum.* See *Litt. lib. 2. cap. 12.* And see *Remainder*.

**Rebiew (Fr. Review) A Bill of Review** in Chancery, is, where the Cause hath been heard, and the Decree signed and enrolled; and some Error in Law, appears in the Body of the Decree, or new matter discovered in time after the Decree made: Which Bill must be exhibited by leave of the Court, and not otherwise. *Coll. of Orders in Chanc. pag. 69.*

**Rebiving,** Is a word metaphorically applied to Rents and Actions, and signifies a renewing them, after they were extinguished. Whereof see divers examples in *Brook, tit. Revivings of Rents, Action, &c. fol. 223.*

**Bill of Rebiboz,** Is where a Bill hath been exhibited in Chancery against one, who answers, and before the Cause is heard, or if heard, the Decree be not inrolled, and either party dies: In this Case a Bill of *Revisor* must be brought, to the end, the former proceedings may stand Revived, and the Cause be finally determined.

**Revocation (Revocatio)** Is the recalling a thing granted: Of which, you have divers in the Register of Writs. As, *Revocationem brevium de audiendo & terminando, fol. 124.* *Revocationem Presentationis, fol. 304, 305, &c.*

**Revep (Anno 43 Eliz. cap. 10.)** — So as the same Cloaths, being put in water are found to shrink, Rewey, Squally, Copping, Light, and notable fault, &c. i. Unconvenly wrought, or full of Rerw.

**Ribaud (Fr. Ribaud) A Rogue, Rascal; Fornicator, Whoremonger.** *Rot. Parl. 50 Edw. 3. num. 61.* Petition against Ribauds and Rurdy Beggars.

**Rider-Kill** See in Roll.

**Ridge or Wig of Land (Riga) Terram quam à pluribus sulis in aggerem efferunt arantes, ita ut sicca sedes frumentis habeatur, Romani frigam (aque inde agros strigatos) nor, a Ridge of Land. Spel.** Yet I have seen in the Exemplification of a Writ of Partition, *Anno 20 Eliz. Teste Jacobo Dyer Mil. unam acram terra arabili. continen. quinque porcas terra, Anglica Ridges.*

**Ridings.** Are the names of the Parts or Divisions of *Yorkshire*, being three, viz. *East-Riding, West-riding, and North-Riding*, and mentioned in the Statute of 22 Hen. 8. cap. 5. and 23 *Ejusdem, cap. 18.* In Indictments in that County, it is requisite, that the Town and the Riding be expressed. *West, par. 2. Symb. tit. Indictments, sct 70.*

**Reins passe per le fait,** Is the form of an Exception taken in some Cases to an Action, See *Brook, tit. Isfraunger al fait ou Record.*

**Reins arrears,** Is a kinde of Plea used to an Action or Debt upon Arrearages of Account, whereby the Defendant does alleage that there is nothing arrear. *Book of Entries.*

**Reins per descent (i. Nothing by descent)** Is the Plea of an Heir, where he is sued for his Ancestors Debt, and hath no Land from him by descent. See 3 *Part Cokes Rep. fol. 151.*

**Reins deins le gard,** Was a challenge to a Jury or Enquest within London, &c. But it is abrogated by the Statute 7 Hen. 7. cap. 5.

**Retro County (Retro comitatus)** From the Fr. *Arriere, i. Posterior* in the Stat. 2 Edw. 3. cap. 5. is opposite to open County; And by comparing that Statute with *Westm. 2. cap. 38.* it appears to be some publick place, which the Sheriff appoints for Receipt of the Kings Money, after the end of his County. *Fleta* says it is, *Dies crastinus post comitatum.* Lib. 2. cap. 67.

**Right (Jus)** In general signification, includes not only a right, for which a Writ of Right lies, but also any Title or Claim, either by force of a condition, Mortgage, or the like, for

for which no Action is given by Law, but onely an Entry. *Coke on Litt. lib. 3. cap. 8. sect. 445. & 447.* There is *Jus Proprietatis*, A Right of Ownership. *Jus Possessionis*, A Right of Seisin or Possession. And *Jus Proprietatis & Possessionis*, A Right both of Property and Possession; which was anciently called *Jus Duplicitatum*. See *Reffo & Droit*.

**Right in the Court.** See *Reffus in Curia*.

**Rime** (*Rima*) Is taken for a mean kinde of Verfe, commonly made by some unskilful Poet-after. Of a Libellous and Rebellious Rime, I have thought fit to infer this Abstract of an ancient and memorable Record.

**Placita coram Domino Rege apud Ebor. de Termino Pasche Anno Regni Regis Ricardi Secundi, 16.**

*Quamplurimi de Cottingham & Villis circumjacentibus indiuntur, quod ipsi alligati fuerint quilibet ad alterum sustinendum & manutenuendum omnes querelas suas versus quoscunque: Et quod modo guerrino obsiderunt villam de Kingston super Hull, & pontes circumjacentes diruperunt, ita quod nullus ire vel redire posset ad dictam villam, ac insuper fecerunt Rimam in Anglicis verbis, & dictam Rimam publice apud Beverley proclamari fecerunt die, &c. que Rima sequitur in hac verba.*

**I**n the Countrey hard was we,  
That in our Sokenshretos should be,  
With all for to bahe.  
Among you friers it is soe,  
And other Orders many moe,  
Whether they flap or wahe.  
And yet will like an help up other,  
And maintain him als his brother,  
Both in tozong and right.  
And also will in frand and flour  
Maintain our Neighbour  
With all our might.  
Like Span may come and goe  
Among us, both to and fro,  
Say you sickerly.  
But bethning will we suffer none,  
Neither of Hob, nor of John,  
With tobat may be merry be.  
For unkinde we ware,  
If we suffered lesse of mare  
Any billan bethning.  
But it were quite double again,  
And accord, and be ful saine  
To hyde dresing.

**And on that purpose, yet we stand,  
Who so both us any tozang,  
In tobat place it fall.  
Yet he must als wahe.  
Als bahe A bap and baie,  
Doe againe us all.**

*Sed perdonantur 28 ex eis.  
Record. continet quatuor Rotulos.*

**Kinghead** (*Anno 43 Eliz. cap. 10.*) An Engin used in stretching Woollen Cloth.

**Riot** (*Fr. Riote, quod non solum rixam & jurgium significat, sed vinculum etiam, quo plura in unum, fasciculorum instar, colligantur*) Signifies the forcible doing an unlawful act, by three or more persons assembled together for that purpose. *West, par. 2. Symb. tit. Indictments, sect. 65.* The differences and agreements between a Riot, Rout, and Unlawful Assembly, See in *Lamb. Eiren. lib. 2. cap. 5. Stat. 1 Mar. cap. 12.* and *Kitchin, fol. 19.* who gives these Examples of Riots: The breach of Enclosures, Banks, Conduits, Parks, Pounds, Houses, Barns, the burning of Stacks of Corn, &c. *Lamb. ubi supra* mentions these: To beat a Man, to enter upon a Possession forcibly. See *Rout* and *Unlawful Assembly*; see also, in *Crompt. Justice of Peace*, divers Cases of Riots. *Anno 17 Rich. 2. cap. 8.* and *13 Hen. 4. cap. 7.* See *Rout*.

**Ripariæ** (from *Ripa*, a Bank) in the Statute of *Westm. 2. cap. 47.* Signifies the Water or River running between the Banks, he it Salt or Fresh. *2 Inst. fol. 478.* The word occurs also in *Rot. Cart. 9 Edw. 2. num. 12.*

**Ripiera** (*Riparii, a Fiscella, qua in devehendis piscibus utuntur. Anglice a Ripa*) Are those that use to bring Fish from the Sea Coast to the inner parts of the Land. *Cam. Brit. pag. 234.*

**Rother Beasts** (*Anno 7 Edw. 6. cap. 11.*) See *Rother-Beasts*.

**Robbery** (*Robaria*) from the *Fr. Robbe, i. Vestis*) Is a Felonious taking away another Mans Goods from his Person, Presence, or Estate against his will, putting him in fear, and of purpose to steal the same. *West, par. 2. Symbol. tit. Indictments, sect. 60.* This is sometimes called *Violent Theft*, which is Felony, of two pence. *Kitchin, fol. 16. & 22.* See *Cromptons Justice of Peace, fol. 30. b.*

**Robbers** (*Robatores*) Were so called originally, because they onely took away the Robes or Cloaths from Travellers; *Latrones validi, qui in personas hominum insipientes, bona sua diripiunt.*

**Robbersmen** or **Robberdsmen** (*Anno 5 Edw. 3. cap. 14. and 7 Rich. 2. cap. 5.*) *Lambert* interprets them to be *Mighty Thieves*. *Eiren. lib. 2. cap. 6.* Sir *Edward Coke* in his *Third Instit. fol. 197.* says, *Robin-Hood* lived in *Richard the First's* time in the Borders of England and Scotland by Robbery, burning Houses, Rape, and

and Spoil, &c. And that these *Robberdsmen* took name from him.

**Rod** (*Roda terra*) Is otherwise called a *Pearch*, and is a measure of sixteen foot, and a half long; and in *Staffordshire* twenty foot, to measure Land with. See *Pearch*.

**Rod Knights** alias **Rod Knights** (from the *Sax. Pað, angl. Road, i. Equitatus, & enyç, i. puer, minister, famulus; quasi pueri vel ministri equitantes*) Were certain Servitors, who held their Land by serving their Lords on Horseback. *Debent equitare cum Domino suo de Manerio in Manerio, vel cum Domini uxore, Bracton, lib. 2. cap. 35. num. 6.* Not much unlike our *Retainers*.

**Rose-tyle** alias **Creast-tyle**, Is that Tyle which is made to lay upon the Ridge of the House. *Anno 17 Edw. 4. cap. 4.*

**Rogue** (*Rogus*, from the *Fr. Rogue, Avrogans*) Signifies an idle sturdy Beggar, who (wandering from place to place without Passport, after he hath been by Justices, bestowed or offered to be bestowed on some certain place of abroad) is worthily so called; who for the first offence, is called *A Rogue of the first degree*, and punished by whipping and boring through the Grissel of the Right Ear, with a hot Iron, an inch in compass; and for the second offence is called *A Rogue in the second degree*, and put to death as a Felon, if he be above eighteen years old. See the *Stat. 14 Eliz. cap. 5.* and *18 Edw. 3. cap. 2.* and *Anno 36 cap. 17.* See *Lamb. Eiren. lib. 4. cap. 4.*

**Rogus** (*Lat.*) A great Fire; also a Pile of Wood. *Mandatum est constabulario castri de Divis. Et custodi Foresta de Cippham, quod fieri fac. unum Rogum in Foresta predicta ad operationes castri predicti, prout melius viderit expedire, &c. T. x Maii. Claus. 54 Hen. 3. m. 8.* *Rogus cum combusturis, pira est congeries signorum ad comburendum. Vocab. utriusque Juris.*

**Roll** (*Rotulus*) Signifies a Schedule of Paper or Parchment, which may be turned or wound up with the hand to the fashion of a Pipe: Of which, there are in the *Exchequer* several kinds, as the *Great Wardrobe Roll*, the *Cofferers Roll*, the *Subsidy Roll*, &c. Of which, see the *Practice of the Exchequer Court*, fol. 75.

**Rider-Roll** (*Novis Reports, fol. 84.*) The Court *Ex Officio* may Award a *Certiorari ad informandum conscientiam*; and that which is certified, shall be annexed to the Record, and is called a *Rider Roll*. Or a *Rider Roll* is a Schedule or small piece of Parchment, not seldom sewed or added to some part of a Roll or Record.

**Rolls**, or **Office of the Rolls in Chancery-lane**, anciently called *Domus Conversorum*, Was an House built or appointed by King *Henry the Third*, for such Jews as were converted to the Christian Faith: But King *Edward the Third*, in the One and fiftieth year of His Reign, expelled them for their wickedness, and deputed the place for the Custody of the

*Rolls*, and Records of the *Chancery*; the Master whereof, is the second person in *Chancery*, and in the absence of the Lord Chancellor, or Lord Keeper, fits as Judge, being commonly called *The Master of the Rolls*.

**Romefeoh**, **Romepeny**, (*Sax. pomfeoh, i. Nummus Rome datus, nam feoh est nummus, pecunia, stipendium; pompeping, Roma Denarius; Pening enim (bodie A peny) est Denarius. Vide Romefeoh.*

**Romefrot** (*Romefeoh vel Romefec, Romepeny, alias Denarius Sancti Petri & Hecarib-peny*) Is compounded of *Rome* and *Scot*, from the *Sax. sceat, i. Census; pecunia, quasi, nummus Rome datus*. It was an annual tribute of one peny from every family or household, paid yearly to *Rome* at the Feast of *St. Peter ad Vincula*, 1 Aug. It was given by *Inas*, King of the *West-Saxons*, Anno 725: as an Aims, being in Pilgrimage at *Rome*, and was prohibited in the days of *Edward the Third*. It amounted to Three hundred Marks, and a Noble yearly. *Romefeoh in Festo Sancti Petri ad Vincula debet reddi — Qui supra tenebit, reddat Episcopo Denarium illum, & 30 Denarios addat, & Regi 50 solidos. LL. Hen. 1. cap. 12.* See *Peter-pence*.

**Roof of Land** (*Rodata Terra*) Is the fourth part of an Acre. *Anno 3 Eliz. cap. 5.*

**Rother-Beasts** (*Sax. Hpyðer*) Under this Name are comprehended Oxen, Cows, Steers, Heyfers, and such like Horned-Beasts. *Anno 21 Jac. cap. 28.* And in *Herefordshire*, the Dung of such Beasts is still called *Rother-soyl*.

**Rotulus Antiquitate** *Domesday Book* so called, because it was of old kept at *Winchester*, among other Records and Monuments of the Kingdom. See *Domesday*. Some say there was a more ancient Record or Book, of like nature with *Domesday*, but made long before by King *Alfred*, called *Rotulus Wintonia*.

**Rouge Crofs**. See *Herald*.

**Roundlet**. See *Runket*.

**Rout** (*Fr. Route, i. A company or number*) Which signifies an Assembly of three persons, or more, going forcibly to commit an unlawful act, though they do it not; and is the same which the *Germans* yet call *Rot*, meaning a Band or great company of Men gathered together, and going to execute, or are executing indeed any Riot, or unlawful act. See the *Stat. 18 Edw. 3. stat. 1. and 2 Rich. 2. cap. 6.* It is a *Rout*, whether they put their purpose in execution, or no, if they go, ride or move forward after their meeting. *Brink, tit. Riot, 4. 5.* So as a *Rout* seems to be a special kinde of unlawful Assembly, and a *Riot*, the disorderly fact committed generally by any unlawful Assembly. Howbeit, two things are common both to *Rout*, *Riot*, and *Unlawful Assembly*: The one, that three persons at the least be gathered together; the other, that they being together, do disturb the Peace, either by words, shew of arms, turbulent gesture, or actual violence, &c. See *Lamb.*



Lamb. Eiren. lib.2. cap.5. See Riot and Unlawful Assembly.

**Royal Assent** (*Regius Assensus*) Is that Assent or Approbation, which the King gives to a thing formerly done by others, as to the election of a Bishop by Dean and Chapter; which given, then he sends a Special Writ to some person for the taking of Fealty. The form whereof you may see in *Fitz. Nat. Br. fol.170. C.* And to a Bill passed in both Houses of Parliament. *Crompt. Jur. fol.8.* Which Assent in Parliament being once given, the Bill is Endorsed with these words. *Le Roy Veult, i. It pleaseth the King.* If he refuse to agree to it, then thus, *Le Roy Averisa. i. The King will Advise upon it.*

**Regalia** (*Regalia vel Regalitates*) Are the Rights of the King, otherwise called the *Kings Privileges*; some of which are such as the King may grant to common persons; some so high, as may not be separated from his Crown Privileges, as the *Civilians* term it; though some may be Cumulative. *Vide Bracton, lib.2. cap.5.* And *Mathæum de Afflictis*, upon the title of the Feuds, *Que sint Regalia*; where are set down Twenty five particulars, or several sorts of *Royalities*. See *Privileges and Regalia*.

**Sheep-washed Kersey**, Is that which is made of Fleece-wool, washed onely on the Sheeps back. *Anno 35 Eliz. cap.10.*

**Runcinus** (from the Ital. *Runcino*) Is used in *Domesday* for a Load-horse, or Sumpter-horse; and sometimes a Cart-horse; which *Chaucer* calls a *Motonep*.

**Rune** (from the Sax. *Rununge*, i. A Course or Running) A Water-course, so called in the Marshes of *Somersetshire*. *Hist. of Imbanking and Draining, fol.106. a.*

**Runket** alias **Roundlet**, Is a certain Measure of Wine, Oyl, &c. containing Eighteen Gallons and a half. *Anno 1 Rich. 3. cap.13.*

**Rural Deanes** (*Decani Rurales*) Sunt *Decani Temporales* ad aliquod ministerium sub Episcopo vel Archiepiscopo exercendum constituti, qui nec habent Institutionem Canonice secundum *Doctores*. Hos eisdem esse existimo, qui in *LL. Edouardi Confess. cap.31.* *Decani Episcoporum* appellantur. See *Dean*. Each Diocese hath in it one or more Arch-Deanries, for dispatch of Ecclesiastical business, and every Arch-Deanry subdivided into Rural Deanries, fewer or more, according to the bigness and extent thereof. *Heylins Cosmog. fol.304.* These were anciently called *Arch-Presbyteri*, & *Decani Christianitatis*. See *Dean*.

**Rusca**. When the King himself (says *Domesday, tit. Cestre*) came in person to Chester, every Carrucata yielded him two hundred Hells, and one Tun of Ale, and one Rusca of Butter. *Quære* What the quantity was? *Rusca apum*, is a Hive of Bees.

## S.

**Sabbatum**, in *Domesday*, is used for Peace, *Postquam Willielmus Rex advenit, & sedebat in Sabbato, & Willielmus Mallet fecit suum Castellum de Eia, &c. Tit. Sudsex.*

**Sac** (*Saca vel Sacha*) Is a Royalty or Privilege, which a Lord of a Mannor claims to have in his Court, of holding Plea in Causes of Debate, writing among his Tenants and Vassals; and of imposing and levying Fines and Amerciaments touching the same. But *Rassai*, and some others define *Sac* to be the forfeiture it self. In the Laws of King *Edward*, set forth by *Lambert, fol.144.* it is written, (*Sacha*) *Sacha autem est, si quilibet aliquem nominatum de aliquo calumniatus fuerit, & ille negaverit; forsajura probationis vel negationis (si everserit) sua erit.* Which may be called the Amerciament paid by him, who denies that which is proved against him to be true, or affirms that which is not true. *Fleta* says, *Sake significat acquiescentiam de fecta ad Comitatum & Hundredum, lib.1. cap.47.* *Sac* is a Saxon word, and signifies *Causa, lit. certamen*, as we still say *For Christi sake*, i. *Pro causa Christi*. See *Keilweys Rep. fol.145.* *Præcipio ut S. Benedictus de Ramefia ita bene & libere habeat Sacam & Sacam suam, &c. Breve Hen.2. Justiciariis de Norfolk. V. Saka.*

**Sacaburth** alias **Sacabere**, Is he that is robbed, or by theft deprived of his Money or Goods. *Britton, cap.15. & 29.* With whom agrees *Bracton, lib.3. traß.2. cap.32. num.2.* *Furtum vero manifestum est, ubi latro deprehensus sit seisisus de aliquo latrocinio, sc. Bonobaband & Wackberend, & insecutus fuerit per aliquem cujus res illa fuerit, qui dicitur Sacaburth, &c.* It may come from *sac* or *saca*, i. *lit. causa*, prosecutio, and *bupth*, *pignus*; quia res furtiva sit quasi cause pignus, hoc est, furti symbolum. *Spelman.* But Sir *Edward Coke* says, *Sacabere* or *Sakebere*, is derived of *Sak* and *Bere*, that is, He that did bear the bag. 3 *Inst. fol.69.*

**Saccus cum brochia**. Was a Service or Tenure of finding a Sack, and a Broach to the King, for the use of his Army. *Bracton, lib.2. cap.16. num.6. and lib.2. traß.1. cap.6.* See *Brochia*.

**Sacerbozgh** or rather **Sickerbozgh**, *Securus Plegius*. A sufficient Pledge, or Cauti-oner. *Skene.* See *Sacaburth*.

**Sack of Wool** (*Saccus Lana*) Contains Twenty six Stone, and a Stone Fourteen pounds. *Anno 14 Edw.3. stat.1. cap.2.* See *Sarplar*. In Scotland it is Twenty four Stone, and the Stone Sixteen Pound.

**Sacrasseld Rents**, Are certain small Rents paid by some Tenants of the Mannor of *Chuton* in *Com. Somerset*, to Sir *Charles Waldegrave*, Lord thereof; but why so called, *Quære*.

**Sacramento recipiendo**, quod vidua Regis se non maritabit sine licentia Regis, Was a Writ or Commission to one for the taking an Oath of the Kings Widow, that she shall not marry without the Kings Licence. *Reg. of Writs, fol.298. a.*

**Sacrobarra**. *Lib. MS. de Officio Coronatoris* — *Inquirendum est per 12 Juratos pro Rege super Sacramentum suum, quod fideliter presentabant sine ulla concealamento omnes fortunas (i. fortuito occisos) abjuraciones, Appella, Mura, Sacrobarra, felonias factas per quos & quot, &c.* *Quære*, If *Sacrobarra* be not the same with *Sacrilegi*.

**Safe Conduct** (*Salvus Conductus*) Is a security given by the Prince, under the Broad Seal, to a stranger, for his quiet coming in and passing our of the Realm: Touching which, you may see the Statutes *Anno 15 Hen.6. cap.3. & 18 Ejsdem, cap.8. & 28 Hen.8. cap.1.* and the Form of it in *Reg. of Writs, fol.25.*

**Safe-guard**. See *Salva-guardia*.

**Safe-pledge** (*Salvus Plegius*) Is a Surety given for a Mans appearance against a day assigned. *Bracton, lib.4. cap.2. num.2.* Where it is also called *Certus Plegius*.

**Sagibaro** alias **Sachbaro**, The same we now call *Justiciarius*: It signifies as much as *Vir causarum vel causis & litibus præpositus*. *LL. In Regis Anglo-Saxonis, cap.6. MS.*

**Sagitta Barbara**, A Bearded Arrow. — *Reddendis inde annuatim pro omni servitio sex Sagittas Barbatas ad Festum Sancti Michaelis, &c. Carta Hugonis de Logis, sine Dat.*

**Sailing Ware** (*Anno 1 Rich.3. cap.8.*) Seems to be Canvas, or such kinde of Cloath as Sails for Ships are made of.

**Saha**, Hoc est, Quod Prior habet emendas & emendamenta de transgressionibus hominum suorum in Curia sua litigantium, tam liberorum, quam Villanorum. *Reg. Priorat. de Cokestord.* See *Sax*.

**Salarp** (*Salarium*) Is a recompence or consideration made to a Man for his pains or industry, bestowed on another Mans business. The word is used *Anno 23 Edw.3. cap.1.*

**Salat**, Is a Head-peece (*Anno 4 & 5 Phil. & Mar.*) From the Fr. *Salut*, i. *Salus*. Mentioned also 20 *Rich.2. cap.1.* viz. **Salat of Iron**, &c. Otherwise called a *Morian* or *Pot*.

**Salarium** (*Lat.*) Custom paid for Salt. *Camden.*

**Salina**, A Salt-pit or Vate, a House or place where Salt is made. — *In Herbagin & Piscavin, in Salinis & Fabricis, in minariv ferrens, &c. Carta 17 Edw.2. num.28.*

**Salique Law** (*Lex Salica*) De terra Salica nulla portio hereditatis mulieri veniat, sed ad virilem sexum tota terra hereditas perveniat, &c. Was an ancient Law made by *Pharamund*, King of the *Franks*. Part of which, appears to have been borrowed by our *Henry the First*, in compiling his Laws, as *Cap.89.* — *Qui hoc fecerit, secundum Legem Salicam moriatur, &c.*

**Salmon-Pipe** (*Anno 25 Hen.3. cap.7.*) Is an Engin to catch *Salmons*, or such like Fish.

**Salmon Sewfe**, Seems to be the young Fry of *Salmon*, Quasi *Salmon issie*. *Anno 13 Rich.2. stat.1. cap.19.*

**Saltaetozium**, A Deer-leap. *Clamat habere liberum Parcum suum apud Halton cum duobus Saltatoriis in eodem. Pl. apud Cestriam 31 Edw.3.*

**Salutis**, Highwood. See *Boscus*.

**Salva Guardia**, Is a Protection given by the King to a stranger, fearing the violence of some of His Subjects, for seeking His Right by course of Law; the form whereof see in *Reg. of Writs, fol.26.*

**Salvage Money**, Is a recompence allowed by the Civil Law, in lieu of all damages sustained by that Ship that rescues or saves another, which was set upon by Pyrates or Enemies.

**Salute** (*Salus*) Was a Coin made by our King *Henry the Fifth* in France, after his Conquests there, whereon the Arms of France and England were quarterly stamped. *Bakers Chron. fol.187.*

**Sanctuary** (*Sanctuarium*) Is a place privileged by the Prince for the Safe-guard of Offenders lives, being founded on the Law of Mercy, and upon the great Reverence, Honor, and Devotion, which the Prince bears to the place whereunto he grants such Privilege. See *Stamf. Pl. Cor. lib.2. cap.98.* *P. Bonifacius 5. justit. Aras & Ecclesiæ esse asyla reis*, says *Platina*. Among all other Nations, our ancient Kings of England seem to have attributed most to these Sanctuaries, permitting them to shelter such as had committed both Felonies and Treasons: So that within forty days they acknowledged their fault, and submitted themselves to banishment. During which time, if any Layman expelled them, he was excommunicated; if any Clerk, he was made irregular: But after forty days, no Man might relieve them. See *New Book of Entries, verbo, Sanctuary*, and *Fleta, lib.1. cap.29.* How by degrees they have been taken away. See the Statutes 26 *Hen.8. cap.13.* and 28 *Ejsdem, cap.7.* 32 *Ejsdem, cap.12.* and 33 *Ejsdem, cap.15.* — *Edw.6. ca.12 & 2 Ejsdem, ca.2. & 33.* and 5 *Ejsdem, cap.10.* See *Abjuration*. Saint *Johns of Beverley* in *Yorkshire*, had an eminent Sanctuary belonging to it, which the Saxons called *Fridhol*, q. *Sedes Pacis*. So had St. *Martins le Grand* in London, 21 *Hen.8. cap.16.* And *Rippon* had the like, for which see *Frod-mortel*.

**Sand-gabel**, Is a payment due to the Lord of the Mannor of *Rodely* in *Com. Glouc.* for Liberty granted to the Tenants, to dig Sand for their uses. *Taylor's Hist. of Gavelkind, fol.113.*

**Sarplar of Wool** (*Sarplera Lana*) (otherwise called a *Pocket*) Is half a Sack; a Sack, eighty Tod; a Tod, two Stone; and a Stone, fourteen Pound. See *Fleta, lib.2. cap.12.* This in Scotland is called *Serplathe*, and contains

M m m eighty

eighty Stone. See *Skene*, verbo, *Scorpiathe*, and 3 Part Inst. fo. 96.

**Saffe**, (*Annis 16 & 17 Car. 2. ca. 12.*) is a kind of Wear with Floodgates, most commonly in Navigable and Cut Rivers, for the damming and loosing the stream of Water, as occasion requires, for the better passing of Botes and Barges to and fro. This in the West of England is called a *Lock*, and, in the River *Lee* (lefts properly) a *Turnpike*, and in some places, a *Sluce*.

**Saterdays-stop**, Is a space of time in which of old it was not lawful to take Salmon in Scotland, and the North of England; that is, from Even-song on Saturday, till Sun-rising on Monday, MS.

**Saver default**. i. To excuse a default, which is properly when a man, having made default in Court, comes afterwards and alleges good cause why he did it, as Imprisonment at the same time, or the like, *New Book of Entries* on this word.

**Saunkefin**, (from the Fr. *Sang*, i. *Sanguis & Fin*. Finis.) Is a word used by *Britton*, ca. 119. for the determination, or final end of the lineal Race or descent of a Kindred.

**Saronlage**, or **Searenlage**, (*Scaxenlaga*) lex *Saxonum*. See *Merchenlage*.

**Scandalum Magnatum**, Is the special name of a Scandal, or wrong done to any high Personage of the Realm, as *Prelates*, *Dukes*, *Earles*, *Barons*, or other Nobles, as also the Lord Chancellor, Treasurer, Steward of the House, Clerk of the Privy-Seal, Justice of either Bench, or other great Officers, by false newes, or Messages, whereby Debates and Discords betwixt them and the Commons, or any scandal to their persons may arise. *Anno 2 Ric. 2. ca. 5.* and hath given name to a Writ granted, to recover damage thereupon.

**Scabage**, **Schebage**, **Schewage** and **Scheaunting**, (From the Sax. *ſceapian*, *Offendere*) Is a kind of Toll or Custom, exacted by Mayors, Sheriffs, &c. of Merchant strangers, for Wares *shewed*, or offer'd to sale within their liberties, which is prohibited by the Statute 19 Hen. 7. ca. 8. In a Charter of *Henry the Second* to the City of *Canterbury*, it is written *Scewinga*; and (in *Man. Ang. 2 Par. fo. 890. b.*) *Sceawing*. The City of *London* does still retain the Custom, to a good yearly profit. Of which Custom the half endell appertaineth to the Sheriffs, and the other halfe del unto the *Hospes*, in whose Houses the Marchants be lodged. And it is to wet, that Scavage is the Shew; because that Marchantes shewen unto the Sheriffs Marchandises, of the which Customs ought to be taken, one that one thing thereof be sold, &c. Out of an old printed Book of the Customes of *London*.

**Scabenger**, (From the Belgic *Scaban*, i. To scrape, or shave away,) Two in every Parish of *London* and its Suburbs are yearly chosen into this Office, who hire Men, (called *Rakers*) and Carts to cleanse the Streets, and

carry away the dirt and filth thereof, mentioned 14 Car. 2. ca. 2. The Germans call him a *Wrecksimon*, from one *Simon*, a noted Scavenger of *Marpurg*.

**Scire factas**, Is a Writ judicial, most commonly to call a man to shew cause to the Court, whence it issues, why Execution of a Judgment passed should not go out. This Writ is not granted before a year and a day be passed after the Judgment given. *Old Nat. Br. fo. 151.* See *Anno 25 Edw. 3. Stat. 5. ca. 2.* and 39 Eliz. ca. 7. And see other diversities of this Writ in *Reg. of Writs*, and *New Book of Entries*.

**Scite**, (*Anno 32 Hen. 8. ca. 20.*) See *Site*.

**Skarkalla**, or **Scarkella**. —It was especially given in charge by the Justices in Eyre, that all Juries should inquire de his qui piscantur cum *Kiddellis & Skarkallis*. *Cokes 2 Part Inst. fo. 38.* But, he does not declare what *Skarkalla* is.

**Scot**, (Sax. *ſceat*, i. A part or portion) Is (according to *Rassal*) A certain custom, or common Tallage, made to the use of the Sheriff, or his Bailiffs. *Scot* (says *Camden* out of *Matth. Westm.*) illud dicitur, quod ex diversis rebus in unum acervum aggregatur. *Anno 22 Hen. 8. ca. 3.* —Bearing neither *Scot*, *Lot* nor other charges, &c. *Anno 33 Hen. 8. ca. 9.* In Records it is sometimes written *Scotb*.

**Scot and Lot**, (*Anno 33 Hen. 8. ca. 9.*) Signifies a customary contribution laid upon all Subjects, according to their ability. *Hoveden*, (in principio *Hen. 2.*) writes it *Anlote & Anfcote*. In the Lawes of *William the Conqueror* set forth by *Lambert*, you have these words, (ca. 125.) *Et omnis Francigena, qui tempore Edwardi propinquus nostri fuit in Anglia, participes Conſuetudinum Anglorum, quod dicunt Anlote & Anfcote per ſolvantur secundum legem Anglorum.* Again —*Rex omne injuſtum Scottum interdixit.* *Hoveden*, in *Anno 1088.* *Scot* from the Sax. *ſceat*, ut *ſupra*; *Lot*, Sax. *Llot*, i. *Sors*.

**Willielmus Rex Anglorum** *Herberto Norwicensi Episcopo & omnibus Baronibus suis de Norfolk & Suffole salutem.* Sciatis me dedisse Sancta Trinitati *Norwicensi Ecclesie*, rogatu *Rogeri Bigoti*, terram *Michaelis de Utmonasterio* & terram de *Tanerham*, que ad eandem terram pertinet, quietam semper & liberam ab omnibus *Scotis & Geldis*, & omnibus aliis Conſuetudinibus. *T. Eudonc Dapifero apud Westm. &c.*

**Scotal**, or **Scotale**, (*Scotalla & Scotalium*) Is a word used in the Charter of the Forest, ca. 7. *Nullus Forestarius vel Bedellus faciat Scotalias, vel Garbas colligat, vel aliquam Collectam faciat*, &c. *Manwood*, Par. 1. pa. 216. defines it thus. A *Scotal*, is where any Officer of the Forest keeps an Alehouse within the Forest, by color of his Office, causing men to come to his House, and there to spend their Money, for fear

fear of displeasure. It is compounded of *Scot* and *Ale*, which by transposition of the words is otherwise called an *Alescot*, and by the Welshmen *Cymmoeth*.

**Memorandum**, quod predicti tenentes, (de South-malling) debent de consuetudine inter eos facere *Scotalium de xvi denariis & ob.* Ita quod si singulis sex denariis detur 1 denar. & ob. ad potandum cum *Bedello Domini Archiepiscopi super predictum Feodum.* Ex veteri Conſuetudinario *Manerii de Southmalling* in *Archiep. Cantuar.*

**Scridland**, (Sax.) *Terra cujus proventus vestitus emendis assignati sunt.* Land allotted for buying apparel or cloathing. Ita *Eadſus* quidem *Presbyter* in *Charta sua Ecclesia Cantuar. data.* Dedit etiam terram illam apud *Orpedingunam* in vita sua, pro anima sua, Deo in Ecclesia Christi servientibus in *Scridland*, i. *Fundum vestitum.* Sax. *Diet*.

**Scutage**, (*Scutagium*. Sax. *ſcilbpenig*) *Hen. 3.* for his voyage to the Holy-Land, had a Tenth granted by the Clergy, and *Scutage*, three marks of every Knights-Fee by the *Laiety*. *Baker* in *Hen. 3.* This was also granted to *Henry the Second*, *Richard the First*, and *King John*.

**Scutagio habendo**, Was a Writ that lay for the King, or other Lord, against the Tenant that held by Knights-Service, to serve by himself, or a sufficient man in his place, in War against *Scots* or *French*, or else to pay, &c. *Fitz. Nat. Br. fo. 83.*

**Scutum armorum**, A Shield or Coat of Arms. *Novimus universi per presentes me Johannam nuper uxorem Will. Lee de Knightley, Dominam & rectam heredem de Knightley dedisse Ricardo Peshale filio Humfridi Peshale Scutum armorum meorum. Habend. & tenend. ac portand. & utend. ubicunque voluerit sibi & heredibus suis perpetuum.* Ita quod nec ego nec aliquis alius nomine meo aliquid jur vel clameum seu calumpniam in predicto Scuto habere poterimus, sed per presentes sumus exclusi in perpetuum. In cujus —*Dat. apud Knightley* — (*Anno 14 Hen. 6.*)

**Scyre-gemot**, (Sax. *ſcyregemot*) Was a Court held twice every year (as the *Sheriff's Turn* is at this day) by the Bishop of the Diocese, and the *Ealdorman*, (in *Shires* that had *Ealdormen*) and by the Bishops and Sheriffs, in such as were committed to Sheriffs that were immediate to the King; wherein both the Ecclesiastical and Temporal Laws were given in charge to the Country. *Seldens Titles of Honor*, fo. 628. See *Consistory*.

**Seal**, (*Sigillum*) Is well known. The first sealed Charter we find extant in England is that of *King Edward the Confessor* upon His foundation of *Westminster Abbey*. *Dugdale's Warwickshire*, fo. 128. b. Yet we read in the MS. History of *Offa*, King of the *Mercians* —*Rex Offa literas Regis Sigilli sui munimine consignatas eidem Nuncio commisit deferendas.* And that *Seals* were in use in the Saxons time, see *Taylor's Hi-*

story of *Gavelkind*, fo. 73. See *Wang.* *Anno 1536.* *Domini etiam atque Generosi, relictis imaginibus equitum in Sigillis, posuerunt Arma sua in parvis Scutis.* Chron. *Joh. Rossi*, in *Bibl. Cotton.*

**Sealer**, (*Sigillator*) Is an Officer in the Chancery; who is appointed by the Lord Chancellor or Keeper of the Great Seal of England, to Seal the Writs and Instruments there made in his presence.

**Seam**, (Sax.) See *Seme*.

**Seam fish**, (*Anno 1 Jac. 1. ca. 25.*) Seems to be that sort of Fish, which is taken with a great long Net, call'd a *Seam*.

**Searcher**. See *Alneger*.

**Searober**, (*Anno 16 Car. 2. ca. 6.*) See *Privateer*.

**Second Deliberance** (*Secunda Deliberatione*) Is a Writ that lies (after a return of Cattle replevied, adjudged to him that distrained them, by reason of a default in the party that replevied) for the replevying the same Cattle again, upon security, put in for the redelivery of them, in case the Distress be justified. *New Book of Entries*, verbo, *Replevin* in *Second Deliverance*, fol. 522. Vide *Dyer*, fol. 41. num. 455.

**Secta ad Curiam**, Is a Writ that lies against him, who refuseth to perform his Sute, either to the County or Court Baron. *Fitz. Nat. Br. fol. 158.*

**Secta facienda per illam quæ habet aniciam partem**, Is a Writ to compel the Heir, that hath the Elders part of the Coheirs, to perform service for all the Coparceners. *Reg. of Writs*, fol. 177. a.

**Secta Molendini**, Is a Writ lying against him, that used to grind at the Mill of B. and after goes to another Mill with his Corn. *Reg. of Writs*, fol. 153. *Fitz. Nat. Br. fol. 122.* But it seems by him, that this Writ lies especially for the Lord against his Frank-tenant, who held of him by making Sute to his Mill. See the *New Book of Entries* on this word. *Secta ad Molendinum*, and *Assises of Nafance*, are now much turned into *Trespases* and *Actions* upon the Case.

**Secta ad justitiam faciendam** (*Bracton*, lib. 2. cap. 16. num. 6.) Is a Service which a Man is bound by his Fee to perform.

**Secta Spirarum**. Per *Sectam Shirarum* clamat esse quiet. de *Secta* in *Com. Cestrie & Flint coram Justic. Domini Principis in Communi Aula placitorum*. Plac. in *Itin. apud Cestriam*. 14 Hen. 7.

**Secta unica tantum facienda pro pluribus hereditariis**, Is a Writ that lies for that Heir, who is distrained by the Lord to more Sutes than one, in respect of the Land of divers Heirs descended to him. *Reg. of Writs*, fol. 177. a.

**Secta non faciendis**, Is a Writ that lies for a Woman; who, for her Dower, ought not to perform Sute of Court. *Reg. of Writs*, fol. 174.

**Secunda super operatione Pasturae**, Is a Writ that lies where Admeasurement of Pasture hath been made, and he, that first discharged the Common, does it again, notwithstanding the Measurement. *Reg. of Writs*, fol. 157. *Old Nat. Br.* fol. 73. *Vide* 13 *Edw. 1.* cap. 8.

**Secundary** (*Secundarius*) A Second Officer, who is next to the Chief Officer: As the *Secundary* of the Fine Office. *Secundary* of the Compter, who is next to the Sheriff of London in each of the two Compters. *Secundary* of the Office of the Privy Seal. *Anno 1 Edw. 4. cap. 1.* *Secundaries* of the Pipe, two. *Secundary* to the Remembrancers, which are two Officers in the *Exchequer*. *Camden*, pag. 113.

**Securitate inveniendi**, quod se non dibeat ad partes externas sine *Licentia Regia*, Is a Writ that lies for the King, against any of His Subjects, to stay them from going out of His Kingdom. The ground whereof is, That every Man is bound to serve and defend the Commonwealth, as the King shall think meet. *Fitz. Nat. Br.* fol. 85.

**Securitate Pacis**, Is a Writ that lies for one (who is threatened death, or danger) against him that so threatens, and is taken out of the *Chancery*, directed to the Sheriff, whereof the form and farther use, you may see in *Reg. of Writs*, fol. 88. b. and *Fitz. Nat. Br.* fol. 79.

**Se Defendendo**, Is a Plea for him, who is charged with the death of another, saying, He was forced to what he did in his own defence; the other, so assaulting him, that if he had not done as he did, he must have been in danger of his own life: Which danger ought to be so great, as that it appears to have been otherwise inevitable. *Stamf. Pl. Cor. lib. 1. cap. 7.* And although he justify it to be done in his own defence, yet is he driven to procure his pardon of course from the Lord Chancellor, and forfeits, notwithstanding, his Goods to the King.

**Seignior** (*Dominus*, Fr. *Seigneur*) Signifies generally as much as *Lord*; but particularly it is used for the Lord of the Fee, or of a Mannor, as *Dominus* or *Senior*, among the Feudists, is he who grants a Fee or Benefit out of the Land to another; and the reason is, because (as *Hotoman* says) having granted the use and profit of the Land to another, yet the property (*i. Dominium directum*) he still retains in himself.

**Seignior in Gros**. See *Lord in Gros*.

**Seignior** (*Dominium*, Fr. *Seigneurie*, *i. Ditto*, *Dominatus*, &c.) Signifies a Mannor or Lordship. *Seigneurie de Sokemans*. *Kitchin*, fol. 80. *Seigneurie in Gros*, seems to be the title of him who is not Lord by means of any Mannor, but immediately in his own person: As *Tenure in Capite*, whereby one held of the King, as of His Crown, was *Seigneurie in Gros*. *Idem*, fol. 206.

**Seignourage** (*Anno 9 Hen. 5. stat. 2. cap. 1.*) Seems to be a Regality or Prerogative of the King, whereby he challengeth allowance of

Gold and Silver, brought in the Mafs to His Exchange, to be coined.

**Seisin** (*Seisina*, Fr. *Seisine*) Possession; and *Primer Seisin* is the first Possession. *Seisin* is twofold, *n. Facti*, and *n. Law*. *Perkins, Dower*, 369 & 370. *Seisin in Facti*, is, When an Actual Possession is taken: *Seisin in Law*, is, When something is done, which the Law accounts a *Seisin*, as an *Involment*. *Seisin in Law*, is as much as a right to Lands and Tenements, though the owner be by wrong dispossessed of them. *Perkins, Tenant per le Curtesie*, 457, 478. *Coke*, lib. 4. fol. 9. a. Calls it *Seisin in Law*, or *Seisin Actual*.

**Seisina habenda**, quia *Rex habuit annum, diem, & partem*, Is a Writ that lies for Delivery of *Seisin* to the Lord, of his Land, or Tenements, who was formerly convicted of Felony, after the King, in right of His Prerogative, hath had the Year, Day, and Waste. *Reg. of Writs*, fol. 165. a.

**Selda**. (From the Sax. *Selbe*, a Seat, Stool, or Settle) — *Affissa Mensurarum Anno 9 Rich. 1. apud Hoveden*. — *Prohibemus ne quis mercator pratendat Seldae suae rubros pannos vel nigros, vel senta vel aliqua alia per qua visus emptorum saepe decipiuntur, ad bonum pannum eligendum*. In *Majoribus Chronicis* ubi locus hic vertitur; *Selda Window* exponitur, says *Spelman*. But by what follows, it seems clearly to signify a Shop, Shed, Standing, or Stall — *Sciatis presentes & futuri, quod ego Thomas Pencombe de Bromyard dedi — Thomas Forset Vicario Ecclesie de Bromyard unam Seldam meam jacentem in Bromyard predict. apud le Coznecheppinge*, &c. *Dat. die Luna proxime post Festum Sancti Egidii Abbatis*, Anno 10 Hen. 6. — *Et medietatem unius Seldae, vocat. le Unicornie in London*. *Mon. Angl.* 2 par. fol. 322. a. *Sir Edward Coke* (on *Littl.* fol. 4. b.) takes, or rather mistakes *Selda* for a Salt-Pit.

**Selion of Land** (*Selio terra*) Fr. *Seillon*, *i. Terra elata inter duos sulcos*, in Latin *Porca*, in English a *Stiche*, or Ridge of Land, and in some places onely called a *Land*; and is of no certain quantity, but sometimes half an Acre, more or less. Therefore *Crompton* in his *Jurif.* fol. 221. says, That a *Selion of Land* cannot be in demand, because it is a thing incertain. It seems to come originally from the Saxon *Sul* or *Jyl*, *i. aratrum*, whence also the Fr. *Seillonner*, *i. arare*. — *Charta vetus Aethonica maketh fix Selions and a half, to be but one Acre*. *Sciatis presentes & futuri quod ego Margeria filia Willielmi de Ryleia dedi, &c. Emma filia mea pro homagio & servitio suo unam acram terre in campo de Camurth, scil. Illas sex Seliones & dimid. cum forera & sepe & fossato, qua jacent in Aldewic juxta terram, &c.* See *Hade*.

**Seme** (*Summa*, *summagium*) A Horse-load: A *Seme* of Corn is eight Bushels. *Frates Prædicator.* (Heref.) pro 2 *Sumagiis* vocat. *Semes* de focali percipiend. quotidie de bosco de Heywood pro termino 20 annorum. — 3 Hen. 5. par. 2. m. 18. See *Sumage*. — *Habebunt etiam duas*

*duas Summas frumenti, pro pastellis, cum voluerint, faciendas*. *Mon. Angl.* 2 par. fol. 935. a. — *Et sint quieti de Summagiis & Murdro & Tennigges & Wapentake & auxiliis Vice-comitum*. *Ibid.* fol. 201. a. — *De quatuor Summis falsis, continentibus quadraginta bullones pro dimidia salina sua*. *Ibid.* fol. 256. b.

**Sandal** (*Anno 2 Rich. 2. cap. 1.*) Seems to be fine Linnen; but *Sandal* is a kind of Physical Wood brought out of the Indies.

**Senegage**. — *There goeth out yearly in 1200. ege and Senegage* 33 s. 6 d. *History of S. Pauls Church*, fol. 272. *Senegage*, if it be not the Money paid for *Synodals*, as *Prosege* for *Proxies* or *Procurationes*.

**Seneschal** (*Senescallus*, is derived of *Sein*, a House or place, and *Schal*, an Officer or Governor. *Coke on Littl.* fol. 61. a. a *Steward*: As the High *Seneschal* or *Steward of England*. *Pl. Cor.* fol. 152. *High Seneschal* or *Steward*, and *South Seneschal* or under *Steward*, *Kitchin*, fol. 83. is understood of a *Steward*, and under *Steward of Courts*. *Seneschal de l'Hôtel de Roy*, *Steward of the Kings Household*. *Crompt. Jurist.* fol. 102. In *Purificatione Beate Mariae*, fuit *Filius Regis Anglorum Parisii & servivit Regi Francorum ad mensam*, ut *Senescallus Francie*. *Rob. de Monte*. in *Anno 1170.* pag. 649.

**Senescallo & Marshallo quod non teneant placita de libero tenemento, &c.** Is a Writ directed to the *Steward* or *Marshall of England*, inhibiting them to take cognizance of an Action in their Court, that concerns either *Freehold*, *Debt*, or *Covenant*. *Reg. of Writs*, fol. 185. a. 191. b.

**Senecia**, Widow-hood. *Si vidua dotata post mortem viri sui se maritaverit vel filium vel filiam in Senecia peperit, dotem suam amittet & forisiet in quocunque loco infra Com. Kant. Tenen. in Gavelkind*. *Plac. Trin.* 17 Ed. 3.

**Separation** (*Separatio*) Of Man and Wife. See *Mulier*.

**Septuagesima** (*Westm. 1. cap. 51.*) Is always the Fourth Sunday before *Quadragesima*, or the First Sunday in *Lent*, from whence it takes its numeral denomination; as *Quinquagesima* is the next before *Quadragesima*, then *Sexagesima*, and then *Septuagesima*; which are days appropriated by the Church to Acts of Penance and Mortification, and are a certain gradation or preparation to the devotion of *Lent*, then approaching. See *Quinquagesima*.

**Sequatur sub suo periculo**, Is a Writ that lies where a Summons *Ad Warrantizandum* is Awarded, and the Sheriff returns, that he hath nothing whereby he may be summoned; then goes out an *Alias* and *Pluries*, and if he come not at the *Pluries*, this Writ shall issue forth. *Old Nat. Br.* fol. 163. *Coke on Littl.* fol. 101. b.

**Sequela Curie**, Suit of Court. — *Et quod sint libori a Sequela Curie*. *Mon. Angl.* 2 par. fol. 253. a.

**Sequestration** (*Sequestratio*) Is a separating a thing in controversy from the possession of both

those that contend for it. And it is twofold, *Voluntary* or *Necessary*: *Voluntary* is, that which is done by the consent of each party; *Necessary* is that which the Judge, of his authority doth, whether the parties will or not. It is also used for the Act of the Ordinary, disposing the Goods and Chattels of one deceased, whose Estate no Man will meddle with. *Dyer*, fol. 232. num. 5. and fol. 256. num. 8. As also for the gathering the Fruits of a Benefice void, to the use of the next Incumbent. *Anno 28 Hen. 8. cap. 11. Fortescu*, cap. 50. And in divers other Cases.

**Sequestro habendo**, Is a Writ Judicial for the dissolving a Sequestration of the Fruits of a Benefice made by the Bishop, at the Kings Commandment, thereby to compel the Parson to appear at the Sute of another: For the Parson, upon his appearance, may have this Writ, for the Release of the Sequestration. *Reg. of Writs Judicial*, fol. 36. a.

**Serjeant** (*Serviens vel Serians*) Is diversly used and applied to sundry Offices and Callings. First, a *Serjeant at Law* (or of the *Coff*) otherwise called *Serjeant Conitor*, is the highest degree taken in that Profession, as a Doctor in the Civil Law: And to these, as Men best learned, and best experienced, one Court is severd, to plead in by themselves, which is that of the *Common Pleas*, where the Common Law of England is most strictly observed; and where they are not so limited exclusively to others, but they may likewise plead and be heard in other Courts, where the Judges, (who cannot be Judges until they have taken the degree of *Serjeant at Law*) do stile them *Brother*, and hear them with great respect, next unto the Kings Attorney, and Solicitor General. These are made by the Kings Mandat, directed to them, commanding them upon a great penalty, to take upon them that degree, by a day certain therein assigned. *Dyer*, fol. 72. num. 1. And of these, one is the *Kings Serjeant*, being commonly chosen out of the rest, in respect of his great learning, to plead for the King in all his Causes, especially in those of Treason. (*Pl. Cor. lib. 3. cap. 1.*) Of which, there may be more, if the King so please. In other Kingdoms he is called *Advocatus Regius*. With what solemnity these *Serjeants* are created, read *Fortescu*, cap. 50. *Crokes third Part*, fol. 1. and 2 *Instit.* fol. 213. These were also anciently called *Servientes Narratores*. — *Et predictus Thomas le Marechal dicit, quod ipse est communis Serviens Narrator Coram Justic. & alibi ubi melius ad hoc conduci poterit, & quod ipse in Placito prefata Affisa coram prefatis Justiciariis stetit cum predicto Johanne, & de concilio suo fuit, &c.* *Trin.* 25 *Edw. 1.* *Coram Rege*, Oxon 22. — *Md. quod Termino Trin. Anno 26 Hen. 8. Tho. Willoughby, & Johannes Baldwin, Serjeants de Roy, fuerunt facti Chivaliers, & que nul tiels Serjeants devant. fuer. unques fait Chivaliers.* *Ex MS. Vocat. Spelman Reports.*

The next is a *Serjeant at Arms*, or of the *Mace* (*Serviens ad Arma*) whose Office is to attend the person of the King. Anno 7 Hen. 7. cap. 3. to arrest Traitors or Persons of Condition, and to attend the Lord High Steward of England, sitting in Judgment upon any Traitor, and such like (*Pl. Cor. lib. 3. cap. 1.*) Of these by the Statute 13 Rich. 2. cap. 6. there may not be above thirty in the Realm. Two of them, by the Kings allowance, do attend on the Two Houses of Parliament, whose office in the House of Commons, is the keeping of the doors, and (as of late it hath been used) the execution of such commands, especially touching the apprehension of any offender, as that House shall enjoin him. *Crompt. Jur. fol. 9.* Another of them attends on the Lord Chancellor or Lord Keeper, in the Chancery. And one on the Lord Treasurer of England. One upon the Lord Major of London, upon extraordinary solemnities; one attendeth upon the Lord President of Wales, and another upon the Lord President of the North.

Another sort of *Serjeants*, are chief Officers, who execute several Functions or Offices within the Kings Household; of which, you may read many in the Statute of 33 Hen. 8. cap. 12.

There is also a more inferior kinde of *Serjeants of the Mace*, whereof there is a Troop in the City of London, and other Corporate Towns, that attend the Major, or other Head Officer, chiefly for Matter of Justice. *Kitchin, fol. 143.* And these are called *Servientes ad Glavum*. New Book of Entries, verbo, *Seire facias*, in Mainpernors, cap. 3. fol. 538.

**Serjeants of Peace.** — *Et etiam habere ibidem (i. Dunham) sex Servientes qui vocantur Serjeants of Peace, qui servient Cur. Manerii prelati, & facient Attach. & executiones omnium Placitorum & quevelarum in dicta Curia Placitorum, &c.* Pl. de quo Warranto apud Cestrium, 31 Ed. 3.

**Serjeanty** (*Servantia*) Is a Service that cannot be due to any Lord from his Tenant, but to the King only; and it is divided into *Grand Serjeanty* and *Petit*. The first is where one holds Land of the King by service, which he ought to do in his own person, as to bear the Kings Banner, Spear, &c. *Petit Serjeanty* is where a Man holds Land of the King, to yield him yearly some small thing towards his Wars, as a Sword, Dagger, Bow, &c. of which read *Bracton, lib. 2. cap. 16. & 37.* And *Britton, c. 66. num. 1. & 2.* Inter feudalium servitia summum est & illusterrimum, quod nec Patronum aliquem agnoscat prater Regem, says the Learned *Spelman*. Lib. MS. Feodal. de Baldwino de Pettour, qui tenuit terras in Hemington in Com. Suff. per Serjantiam, pro qua debuit facere die Natali Domini singulis annis coram Domino Rege Anglie, Saltum, Suffum, & Pettum, al. unum Saltum, unum Sufflatum, & unum Bombulum. And Sir Rich. Rockefley held Lands at Seaton by Serjeanty to be *Vantrarius Regis*, i. The Kings Fore-footman when he went into Gascoign, Donec per usus fuit pari solutarum precii 4 d. until he had worn out a pair

of shoes of the price of 4 d. Which Service, being admitted to be performed, when the King went to Gascoign to make War, is Knights Service. *Coke on Littl. fol. 69. b.* See the Statute of 12 Car. 2. cap. 24. Whereby all Tenures of any Honors, Mannors, Lands, &c. are turned into Free and Common Socage; but the Honorary Services of *Grand Serjeanty* are thereby continued.

**Serbage** (*Anno 1 Rich. 2. cap. 6.*) See *Service*.

**Serbice** (*Servitium*) Is that which the Tenant by reason of his Fee oweth to his Lord; which is sometimes called *Servage*, as *Anno 1 Rich. 2. cap. 6.* Our ancient Law-Books, make divers Divisions of *Service*, as into *Military* and *Bafe*; *Personal* and *Real*; *Intrinsic* and *Extrinsic*, &c. But since the Stat. 12 Car. 2. cap. 24. Whereby all Tenures are turned into Free and Common Socage, much of that learning is set aside. See *Coke, lib. 4. Bevil's Case, fol. 9. a.* See *Socage*. *Thomas Leigh Esquire* (at the Coronation of King Charles the Second) brought up to the Kings Table a Mefs of Portage called *Dislogrout*, which *Service* had been adjudged to him by the Court of *Claims*, in right of the Mannor of *Addington* in *Com. Surrey*; whereupon the Lord High Chamberlain presented him to the King, who accepted the *Service*, and afterwards knighted him.

**Serbientibus**, Are certain Writs touching Servants, and their Masters, violating the Statutes made against their abuses, which see in *Reg. of Writs, fol. 189. & 191.*

**Serbice secular** (*Anno 1 Edw. 4. cap. 1.*) Worldly Service, contrary to Spiritual or Ecclesiastical.

**Serbitium ferrandi**, Of Shooing a Horse. See *Palfrey*.

**Serbitiis Acquietandis**, Is a Writ Judicial that lies for one Distrained for Services to A. who owes and performs to B. for the Acquittal of such Services. *Reg. of Writs Judic. fol. 27. a. & 36. b.*

**Serbitors of Bills**, Are such Servants or Messengers of the Marshal belonging to the Kings Bench, as were heretofore sent abroad with Bills or Writs to summon Men to that Court, being now called *Tipsstaffs*. *Anno 2 H. 4. cap. 23.*

**Session of Parliament**. The passing any Bill or Bills, by giving the Royal Assent thereto, or the giving any Judgment in Parliament, doth not make a *Session*, but the *Session* does continue till that Session be Prorogued or Dissolved. See 4 Part Inst. fol. 27.

**Sessions** (*Sessiones*) Signifies a sitting of Justices in Court upon their Commission; as the *Sessions* of Oyer and Terminer. *Pl. Cor. fol. 67.* Quarter Sessions, otherwise called *General Sessions*, or *Open Sessions*. *Anno 5 Eliz. cap. 4.* Opposite whereunto are *Especial*, otherwise called *Privy Sessions*, which are procured upon some special occasion, for the more speedy dispatch of Justice. *Crompt. Just. of Peace, fol. 109.* *Petit Sessions* or *Statute Sessions*, are kept by

by the High Constable of every Hundred for the placing of Servants. *Anno 5 Eliz. cap. 4.* See *Statute Sessions*.

**Sesneur** (*Anno 25 Edw. 3. cap. 6.*) Seems to signifie the affixing or rating of Wages.

**Severance**, Is the singling or severing two or more, that joyn or are joyned in one Writ. As, if two joyn in a Writ *De libertate Probanda*, and the one afterwards be non-sute, here *Severance* is permitted, so as, notwithstanding the non-sute of the one, the other may severally proceed. *Fitz. Nat. Br. fol. 78.* and *Brook, tit. Severance & Summons, fol. 238.* There is also *Severance* of the Tenants in an Assise, when one, two, or more Disseisors appear upon the Writ, and not the other. *New Book of Entries, fol. 81.* And *Severance* in *Attaints, eadem, fol. 95.* And *Severance* in *Debt, fol. 220.* where two Executors are named Plaintiffs, and the one refuseth to prosecute. *Severance* of Corn, is the cutting and carrying it from off the Ground, and sometimes the setting out the Tythe from the rest of the Corn is called *Severance*. See *Crokes Rep. 2 Part, fol. 325.*

**Severall Tapl** (*Tallium Separatum*) Is that whereby Land is given and entailed severally to two: For example, Land is given to two Men and their Wives, and to the Heirs of their Bodies begotten, the Donces have joynnt-estate for their two lives, yet they have several inheritance; because the issue of the one shall have his moiety, and the issue of the other, the other moiety.

**Severall Tenancy** (*Tenura Separalis*) Is a Plea or Exception to a Writ, that is laid against two, as Joyn, who are indeed several. *Brook hoc tit. fol. 273.*

**Sewer** (*Severa & Sewera*) Est fossa in locis palustribus ducta ad aquas eliciendas, &c. A Passage for Gutter to carry Water into the Sea, or a River. *Anno 6 Hen. 6. cap. 5.* and 12 Car. 2. cap. 6. And Commissioners of Sewers are such as, by authority under the Great Seal, see Drains and Ditches well kept and maintained in the Marsh and Fen Countreys, for the better conveyance of the Water into the Sea, and preserving the Grass upon the Land, for Food of Cattle. See the Statutes 15 Car. 2. cap. 17. and 17 Ejsusdem, cap. 11. Touching the Draining the Great Level in the Fens, called *Bedford Level*, and the authority of the Governor, Bailiff, &c. As Commissioners of Sewers.

**Sextary** (*Sextarius*) Was an ancient Measure, containing about our pint and a half, (according to the *Latin Dictionary*) the City (now Town) of Leicester paid (inter al.) to the King yearly Twenty five Measures called *Sextaries* of Honey; as we read in *Domesday*, And in *Clauß. 4 Edw. 3. m. 26.* we finde mention of *Tresdecem Sextarios Vini*. — Et unum Sextarium Salsi apud Wainflet. Mon. Angl. 2 par. fol. 849. b. *Decem Mittas brasii, quatuor Sextarios Avenæ ad prabendam.* Idem, 1 par. fol. 136. b. Where it seems to have been used for a much greater quantity. A *Sextary* of Ale, contained xvi Lagenas. See *Tollsefer*.

**Seragesima**. See *Septuagesima*.

**Shack**, Is a Custom in Norfolk to have Common for Hogs, from the end of Harvest, till Seed time, in all Mens Grounds without control. *Cokes 7 Rep. fol. 5.* *Corbets Cafe*. And in that County, *To go at Shack*, is as much as, to go at large.

**Shares**. See *Flotzon*.

**Sharping Corn**, Is a Customary gift of Corn, which, at every *Christmas*, the Farmers in some parts of England give to their Smith, for sharpening their Plough Irons, Harrow tines, and such like, and exceeds not half a Bushel, for a Plough-Land.

**Sherbet** (*Anno 15 Car. 2. cap. 11.*) Is a Compound Drink lately introduced in England from Turkey and Persia, and is made of Juice of Lemmons, Sugar, and other ingredients: Another sort of it is made of Violets, Honey, Juice of Raisins, &c. *Sherbert* in the Persian Tongue, signifies pleasant Liquor.

**Shermans Craft**, Is a Craft or Occupation at Norwich, the Artificers whereof do *Shear* as well *Worsteads*, *Stamins*, and *Fustians*, as all other Woollen Cloth; and mentioned *Anno 19 Hen. 7. cap. 17.*

**Shetwing**, Is to be quit of Attachments in any Court, and before whomsoever in Plaints *shewed*, and not avowed. *Terms Ley. See Scavage*.

**Shilling** (*Sax. scilling*) Among our English Saxons, consisted but of Five pence. *Si in capillis sit vulnus longitudinis unius Uncie V. denarii, i. uno solido componatur.* LL. H. 1. c. 39.

**Ship-money**, Was an Imposition charged upon the Ports, Towns, Cities, Boroughs, and Counties of this Realm, in the time of King Charles the First, by Writs commonly called *Ship-writs*, under the Great Seal of England in the years 1635. and 1636. for the providing and furnishing certain Ships for the Kings Service, &c. which (by Stat. 17 Car. 1. cap. 14.) was declared to be contrary to the Laws and Statutes of this Realm, the Petition of Right, Liberty of the Subjects, &c.

**Skipper** (*Anno 1 Jac. sess. 1. cap. 33.*) Is a Dutch word, signifying the Master of a Ship. We corrupt it into *Skipper*, and use it for any Common Seaman.

**Shire** (*Comitatus*) From the Saxon Scip or Scype, i. To part or divide) Is well known to be a part or portion of this Land, called also a County. Who first divided this Land into Shires, see in *Camd. Britan, pag. 102.* Of which, there are in England Forty, and in Wales Twelve. In privilegium Chartis ubi conceditur quietum esse a Shiris, intelligendum est de immunitate, qua quæ eximitur a Scia vel clientela Curie Vicecomitum (quæ etiam Shiras vocant) prestanda vel perficienda. *Spel.* The Assises of the Shire, or the Assembly of the people of a County, was called *Scip-gemot* by the Saxons.

**Shirif** or **Shiref** (*Viccomes*) quasi, *Shire-reve*. Sax. scipe-gepefa, i. *Pagi vel Comitatus Præpositus*, the Chief Officer, under the King, of a Shire or County. *Camden* (in his *Britan. pag. 104.*) thus describes his Office,



**S**ingulis vero annis, Nobilis aliquis ex incolis præficiatur, quem Vicecomitem, quasi Vicarium Comitatus, & nostra lingua **Sheriff**, i. Comitatus Præpositum, vocamus: Qui etiam Comitatus vel Provincie Quæstor recte dici potest. Ejus enim est publicas pecunias Provincie sue conquirere, multas irrogatas vel pignorum ablatis colligere, & arario inferre, Judicibus præsto adesse & eorum mandata exequi, duodecim viros cogere, qui in causis de factis cognoscunt, & ad Judices referunt (Judices enim apud nos Juris solum, non facti sunt Judices) condemnatos ad supplicium ducere, & in minoribus litibus cognoscere, in majoribus autem jus dicunt Jusficiarii, quos Itinerantes ad Assisas vocant, qui quot annis hos Comitatus bis adeunt, ut de Causis cognoscant, & Carceratis Sententiam ferant. Henricus secundus hos Itinerantes instituit, vel potius restituit. Ille (ut inquit Matth. Paris) consilio filii sui & Episcoporum constituit Jusficiarios, per sex partes Regni, in qualibet parte tres, qui jurarent, quod cuilibet jus suum conservarent illasum.

Of the Antiquity and Authority of this Officer, read *Cokes Rep. lib. 4. Mittons Case, and Spelman's Glossarium, verbo, Vicecomes*. The Sheriff was anciently chosen in the County Court by the Suffrages of the People, as Knights of Parliament yet are, but is now nominated by the King. See *Fortescu, cap. 24. fol. 53. Vicecomes, dicitur, quod Vicem Comitatus supplet in placitis illi quibus Comes ex sua dignitate ratione participat cum Rege*. Niger lib. Scaccarii. The Form of his Oath, see in the *Reg. of Writs, fol. 331. b.*

**Sheriff-tooth** — Per Sheriff-tooth Johannes Stanley Ar. clamat habere de quolibet tenente infra feodum de Aldford unum denarium & quadravtem per annum, exceptis Dominicis teris propriis & terra in feodo & Manerio prædicto Maner. & Hundred. de Macclesfeld. Rot. Plac. in Trin. apud Cestriam 14 Hen. 7.

**Sheriffe weke of Winchester and of Essex**, (the compass or extent of a Sheriffs authority) Anno 21 Rich. 2. cap. 10. & 11. Sherif-wikes. (Anno 14 Car. 2. cap. 21.) The time of ones being Sheriff.

**Sheriffaltp** (Anno 14 Car. 2. cap. 21.) The time of ones being Sheriff.

**Sheriff Clerk**, Seems to be the Under-Sheriff. Anno 11 Hen. 7. cap. 15. Sometimes taken for a Clerk in the County Court, Deputy to the Under-Sheriff. See *Cokes Rep. lib. 4. Mittons Case*.

**Sheriff-mote**. See *Shire and Town*.

**Shop** (Shoppa) — Omnibus — Johannes Horsnet de Hereford Bochour salutem. Noveritis me præfatum Johannem dedisse, &c. Rogero Smyth de Bromeyard unam Shopam cum pertin. suis in Bromeyard prædict. scituat. in le Market-place ibidem, &c. Dat. 27 Febr. 9 Edw. 4. See *Selda*.

**Shorling and Morling**, Seem to be words to distinguish Flocks of Sheep: *Shorling* signifying the Fells after the Fleeces are shorn off the Sheeps back; and *Morling* alim Morling,

the Fells flean off after they die, or are killed. Anno 3 Edw. 4. cap. 1. and 4 *Ejusdem*, cap. 3. Howbeit in some parts of England they understand by a *Shorling*, a Sheep whose Fleece is shorn off, and by a *Morling*, a Sheep that dies. See *Morling*.

**Sich** (Sicketum & Siketus) A little Current of Water, which is dry in the Summer. — Inter duos Sikettos, quorum unus cadit inter Mon. Angl. 2 par. fol. 426. b. Also a Water-Furrow or Gutter, accordingly in *Worcestershire* I know a Moorish Ground called *Black-sich*.

**Sicut alias**, Is a Writ sent out in the second place, where the first was not executed. *Coke, lib. 4. fol. 55. b.* It is so called of these words expressed in it. *As Carolus Dei gratia, &c. Vicecomiti Heref. salutem. Præcipimus tibi (sicut alias præcipimus) quod non omittas propter aliquam libertatem in Balliva tua, quin eam ingrediaris & capias A. B. de C. in Comitatu tuo gen. &c. Lambert in his Tract of Processes in the end of his Eiren.*

**Sidemen alias Questmen**, Are those that are yearly chosen, according to the Custom of every Parish, to assist the Church-wardens in the Enquiry, and presenting such offenders to the Ordinary, as are punishable in the Court Christian.

**Sigillum** — Notum sit omnibus Christianis, quod ego Johannes de Gresley non habui potestatem Sigilli mei per unum annum integrum ultimo præteritum, jam nuntico, in bona memoria & sana mente, quod scripta Sigillo meo contradico & denego in omnibus a tempore prædicto usque in diem restaurationis Sigilli prædicti. In cujus rei testimonium Sigillum Decanatus de Repingdon apposui. Testibus Domino Thoma Stafford Milite, Johanne Arden, &c. Dat. apud Drakelew, 18 Rich. 2. See *Seal and Tabellion*.

**Significabit**, Is a Writ which issues out of the Chancery, upon a Certificat given by the Ordinary, of a Man that stands obstinately excommunicate by the space of forty days, for the laying him up in prison without Bail or Mainprise, until he submit himself to the authority of the Church. And it is so called, because *significavit*, is an emphatical word in the Writ.

There is also another Writ of this name in the Register of Writs, fol. 7. a. directed to the Justices of the Bench, willing them to stay any sute depending between such and such, by reason of an Excommunication alleged against the Plaintiff; because the sentence of the Ordinary that did excommunicate him, is appealed from, and the Appeal yet depends undecided. See *Fitz. Nat. Br. De Excommunicato capiendo, fol. 62. & 66. A.* where you may finde Writs of this name in other Cases.

**Signet** (Signet) Is one of the Kings Seals, wherewith His Private Letters are sealed, and is always in the Custody of the Kings Secretaries: And there are four Clerks of the Signet Office attending them. 2 *Inst. fol. 56.*

*Silk-*

**Silk-throter or Throter** (Anno 14 Car. 2. cap. 15.) Is a Trade, or Mystery, that wends, twits, and spins, or throws silk, thereby fitting it for use, who are incorporated by the said Act: Wherein there is also mention of *Silk-winders and Doublers*, which are Members of the same Trade. Anno 20 Car. 2. cap. 6.

**Silba Cedua**. See *Sylva Cedua*.

**Simmel**, (Siminellus vel Symnellus) Panis purior, sic dictus, quod a simila, hoc est, puriori farina parte efficitur. Panis similagineus, Simmel-bread. It is mentioned in *Assise Panis*, (and is still in use, especially in Lent.) Bread made into a Simmel shall twigh two fillings lets then *Wastel bread*. Stat. 51 H. 3. See *Coker*.

**Simony**, (Simonia) Venditio rei sacre, a Simone Mago dicta. It was agreed by all the Justices Trin. 8. Jac. That if the Patron present any person to a Benefice with Cure, for Money, That such Presentation, &c. is void, though the Presentee were not privy to it; and the Statute gives the presentation to the King. *Cokes 12 Rep. fol. 74.* Simony may be by compact betwixt strangers, without the privity of the Incumbent or Patron. *Croke 1 Part. fol. 331. Barwiderkes Case, Hob. Rep. fol. 165. Noyes Rep. fol. 22. Pascales Case, & 3 Inst. fol. 153.*

**Simplex** — Carta simplex, A Deed-Poll, or single Deed. — *Ricardus Mayben de Sutton per Cartam simplicem hunc indenturam indenturam, dedit, &c. Dat. 22 Edw. 3.*

**Sine assensu Capituli**, Is a Writ that lies where a Dean, Bishop, Prebendary, Abbot, Prior or Master of Hospital, aliens the Land held in the right of his House, without the consent of the Chapter, Convent or Fraternity; In which case his Successor shall have this Writ, *Fitz. Nat. Br. fol. 195.*

**Sine die**, i. Without day. When Judgment is given against the Plaintiff, he is said to be *In misericordia pro falso clamore suo, & eat inde sine die*, i. He is dismissed the Court.

**St non omnes**, Is a Writ of association, whereby, if all in Commission cannot meet at the day assign'd, it is permitted that two or more of them may finish the business. See *Association*, and *Fitz. Nat. Br. fol. 185. & 111, &c.*

**Si recognoscant**, Is a Writ that lies for a Creditor against his Debtor, who has, before the Sheriff in the County-Court, acknowledged himself to owe his Creditor such a sum received of him in pecuniis numeratis. The form of which Writ is this — *Rex vicecom. salutem Præcip. tibi quod si A. recognoscat se debere R. 40 solidos sine ulteriori dilatione, tunc ipsum distingas ad prædictum debitum eidem R. sine dilatione reddendum, Teste, &c. Old. Nat. Br. fol. 68.*

**Site**, or **Scite**, (Situs) The setting, or standing of any place, the Seat, or Scituation of a Capital House or Messuage; a Territory, or quarter of a Country. As we often find the Site of the late dissolved Monastery of, i. The place where it stood. — The word is found in

the Stat. 32 Hen. 8. ca. 20. & 22 Car. 2. ca. 11. and is there written *Scite*. — *Dedi Situm h. ci, in quo domus sua sita est.* Mon. Angl. 2 Par. fo. 278. b.

**Sithcundman**, (Sax.) Sithcundus, custos paganus interpretatur. Lamb. expl. verb. pa. 5. Such a gentleman as had the Office to lead the men of a Town or Parish. E classe nobilium erat, says Somner.

**Scripbinage**, (Anno 27 Hen. 6. ca. 2.) Signifies the precincts of Calceis.

**Smalt** (Anno 21 Ja. ca. 3. and Pat. 16 Feb. 16. Ja. Iral smalto) Is that of which Painters make Blew Colour.

**Smoke silver**. Tenementum Newcastle cum pertinent. &c. in villa de Staplehurst in Cam. Cant. tenetur de manerio de East-greenwich per fidelitatem tantum in libero Soccagio, per Pat. dat. 3 Febr. 4 Edw. 6. And by the payment for *Smoke-silver* to the Sheriff yearly the sum of six pence. Notes for Lord Wootons Office, 1628. There is *Smoke-silver* and *Smoke-penny* paid to the Ministers of divers Parishes, conceived to be paid in lieu of Tithewood, — Or, it may, as in many places at this day, be a continued payment of the *Romescot*, or *Peter-pence*. See *Chimney-money*.

**Soc**, (Sax.) Signifies power, authority, or liberty to minister Justice, and execute Lawes: Also the Shire, Circuit, or Territory, wherein such power is exercised by him that is endued with such a privilegedge or liberty. Whence our Law Latin word *Soca* for a Seignory or Lordship, enfranchised by the King, with the liberty of holding or keeping a Court of his *Sockmen*, or *Socagers*, i. His Tenants, whose tenure is hence call'd *Socage*. This kind of liberty is in divers places of England at this day, and commonly known by the name of *Soke*, or *Soken*. Skene says *Sob*, (an old word, used in Charters and Eoffments, which are in sundry old Books, containing the Municipal Laws of this Realm) is called *Seda* de hominibus suis in Curia fecundum consuetudinem regni, &c. See *Bracton, lib. 3. Tract. 2. ca. 8.* where he makes mention of these liberties, *Soc, Sac, Tol, Team, Infangthef, & Vfangthef*. LL. Hen. 1. ca. 22. — *Sive Sicam totaliter habent, sive non. Soca, id quod Franchesium dicimus, i. Locus privilegiatus, libertas, immunitas, refugium, asylum, sanctuarium, a Sax. Socn & Toene, hæc ipsa significantibus.*

**Socage**, or **Socage**, (Socagium) From the Fr. Soc, i. Pomer, a Plowshare, or Coulter) Is a tenure of Lands, by or for certain inferior or Husbandry services to be perform'd to the Lord of the Fee. See *Institutes of Common-Law. 31. Bracton, (lib. 2. ca. 35. nu. 1.)* Describes it thus, *Dici poterit Socagium a Socco, & inde tenentes qui tenent in Soccagio, Sockmanni dici poterunt, eo quod deputati sunt, ut videtur, tantummodo ad culturam, & quorum custodia & maritagia ad propinquiores parentes jure sanguinis pertinebunt, &c.* Skene says, *Socage* is a Tenure of Lawes, whereby a man is infeoffed freely without Wardship or Marriage, paying to his Lord some small rent, &c. which is called *free-socage*, there was also *base Socage*, otherwise

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otherwise called Villenage — *Bracton* adds — *Soccagium liberum est, ubi fit servitium in denariis Dominis capitalibus, & nihil inde omnino datur ad scutum & servitium Regis.* This free Socage is also called common Socage, *Anno 37 H. 8. ca. 20.* Other divisions there are in our Law, Writers of Socage in Capite, &c. But, by the Statute 12 Car. 2. ca. 24. all Tenures from and a ter 24 February, 1645, shall be adjudged and taken for ever to be turned into free and common Socage.

**Socmans**, alias **Sohemans**, (*Socmanni*) Are such Tenants as hold their Lands by Socage Tenure; But, the Tenants in ancient Deemean seem most properly to be called Socmans. *Fitz. Nat. Br. fo. 14. b. Britton. ca. 66. n. 2.* — *Progenitores Simonis Bokenley omnia sua in Houhou per liberum Sokagium tunc tenebant, & quieti erant de Secū Curiam, Consuetudinibus, exactionibus & demandis.* Lib. — S. Albani Tit. Houhou, ca. 1. The word Sokeman is found in the Statute of Wards and Relief, 28 Edw. 1.

**Socna**, (*Sax. Socne*) A Priviledge, Immunity, Liberty or Franchise. — *Volo ut ipsi sint eorum Sacæ & Socnæ; Theoloni etiam & Teami (privilegiarum scilicet & iurium sic appellatarum) digni intra tempus & extra tempus, &c. Char. Canuti Regis, in Hist. Eccl. Cath. S. Pauli, fo. 189. See Soc.*

**Socome**, signifies a Custom of grinding at the Lords Mill; And there is *Bund-Socome*, where the Tenants are bound to it, and *Love-Socome*, where they do it freely out of love to their Lord.

**Soke**, (*Anno 32 Hen. 8. ca. 15. & 20.*) Significat libertatem Curia tenentium quam Socam appellamus. *Fleta, lib. 1. ca. 47. Sect. Soke.* *Soka*, hoc est quod Prior habet sectam de homagiis suis ad Curiam suam, secundum communem consuetudinem regni Angliæ. *M. S. de libertat. Priorat. de Cokesford. Per Soke Will. Stanley in manerio suo de Knottesford clamat cognitionem Placitorum debiti, transgressionis, conventionis & detentionis infra summi. 40 fol. de aliis compellibus quibuscunque sine brevi. Pl. in Itin. apud Cestriam, 14 Hen. 7. Soke, i. Aver Fraunche Court de ses homes. MS. See Soc.*

**Soken**, (*Soca*) See Soc and Hamsoken.

**Sokereche** Seems to be the Lords Rent-gatherer in the Soke or Soken. *Fleta, lib. 2. ca. 55.*

**Solda**. — *Pateat — quod nos Johannes Romayne senior de Leominstr. & Johannes Romyne junior de eadem remisimus — Johanni Meole vicario Ecclesie de Wygenore Ricardo Botwell Constabular. Castri de Wygenore, & Fouke Sprengre-hose totum jus nostrum & clauum — in una Solda cum pertinentiis in Leominstr. Scizurata in alto vico inter Soldam quondam Ricardi Spicer & Soldam que fuit Philippi Collinge, &c. Dat. 2. Octobre, 19 Ric. 2. It seems to be the same with *Solita*, a Shop, or Shed.*

**Solet & Debet**. See Debet & Solet.

**Solitenant**, (*Sohus tenens*) Is he or she that holds only in his or her own right, without any other joyned. For example, if a man and his

wife hold land for their live; the remainder to their Son; Here the man dying, the Lord shall not have Heriot, because he dies not *sole-tenant*, *Kitchin, fo. 134.*

**Solicitor**, (*Solicitor*) Signifies a man employ'd to follow and take care of Sures depending in Courts of Law or Equity; formerly allowed only to Nobility, whose manial servants they were; but now too commonly used by others to the great increase of Champerty, and Maintenance and Damage of the People.

**Solidata terra**. See *Fardingdeal of Land*. *Solidata* signifies also the pay or stipend of a Souldier. *Et qui terram non habent & arma habere possunt, illuc veniant ad capiendum solidatas nostras.* Breve Regis Johannis vicecomitatus Angliæ. Anno 1213.

**Solinus terra**, In *Domesday* Book contains two Plowlands, and sometimes less than a half; for there it is said *Septem Solini terra sunt, 17 Carucat.*

**Soller**, or **Solar**, (*Solarium*) A Chamber, or upper room. *Dedi — unam Shoppam cum Solario super edificato.* Ex vet. carta.

**Solutiōe feodi militis Parliamenti**, and **Solutiōe feodi Burgi Parliamenti**, Are Writs whereby Knights of the Shire, and Burgeses may recover their allowance, if it be deny'd, *Anno 35 Hen. 8. ca. 11.*

**Sommons**. See *Summons*.

**Sontage**, Was a Tax of forty shillings laid upon every Knights Fee. *Stow, pa. 284.* In some places the word is used for course Cloth, as bagging for Hops, or the like. *Systema Agricultura.*

**Sorcery**, (*Sortilegium*) Witchcraft, or Divination by Lots: which is Felony, by 1 Jac. ca. 12. *Sortilegius, quia utitur sortibus in canticationibus Daemonum.* 3 Inst. fo. 44. *Sorcery & devinal sont members de Herefy.* Mirror, ca. 1. Sect. 5. Excepted out of the Act of General pardon. 12 Car. 2. ca. 11.

**Sothale**, In *Bracton*, (*Lib. 3. Traet. 2. ca. 1.*) It is written *Sothail*, but both conceived to be mistaken for *Scotale*, which vide. *Henrici autem tercii atate hoc sublatum esse constat ex Bracton.*

**South-vicant**, — (*Sub-viccomes*) The under-Sheriff, *Crump. Jur. fo. 5.*

**Soton**, Is a corruption from the Fr. *Souvenu*, i. Remembred; For the Stat. 4 Hen. 5. ca. 7. in the Original French, hath *des Escreats nient souvenu*, which, by turning the two single u v, into w, was first made *Sowenu*, afterwards *Sown*; which properly signifies remembred; And such *Escreats* and Casualties as are not to be remembred, run not in demand, that is, are not leviable. It is used as a word of art in the *Exchequer*, where, *Escreats* that *sown* not, are such as the Sheriff by his industry cannot get; and *Escreats* that *sown*, are such as he may gather. 4 Part. Inst. fo. 107.

**Speaker of the Parliament**, Is an Officer in that High Court, who is, as it were the Common-Mouth of the rest, of which there are two, one

one termed, The Lord Speaker of the House of Peers, who is most commonly the Lord Chancellor of England, or Lord Keeper of the Great Seal; the other, (being a Member of the House of Commons) is called the Speaker of the House of Commons. The duties of which two you have particularly described in a Book, entitled, *The Order and usage of keeping the Parliament. See Parliament.*

**Special matter in evidence**. See *General Issue*, and *Brooke, tit. General Issue, and Special Evidence.*

**Specialitas**, A specialty, is usually taken for a Bond, Bill, or such like Instrument. — *Presentatum fuit per Juratores — quod quidam Johannes de Pratis habuit quandam uxorem amicabilem de cujus specialitate, Willielmus, filius Henrici Molendinarii, & similiter quidam alii malefactores fuerunt; Ita quod predicti malefactores venerunt ad lectum ipsius Johannis, ubi jacebat, & ipsum traxerunt ab eadem, & ipsum abinde duxerunt & tenerunt, dum predictus Willielmus concubuit cum ea.* Pl. coram Rege apud Ebor. Mich. 1 Ed. 3. Rot. 123. Here it seems to be used for special, or particular acquaintance.

**Spinster**. — *Pollard miles & Judic. habuit 11 filios gladiis cinctos in tumulo suo, & totidem filias lulis depictas.* Spelman in his *Aspilogia*, faves — *Antiquis temporibus ipse Regine fuisse usa sunt, unde hodie omnes famine Spinsters dicta sunt.* It is the Addition usually given to all unmarried Women, from the Viscounts Daughter downwards. Yet Sir Edward Coke faves *Generosa*, is a good addition for a Gentlewoman, and, if they be named *Spinster* in any Original Writ, Appeal, or Inditement, they may abate, and quash the same. 2 Inst. fo. 668.

**Spiritualities of a Bishop**, (*Spiritualia Episcopi*) Are those Profits which he receives, as he is a Bishop, and not as he is a Baron of the Parliament. (*Stansf. Pl. Cor. fo. 132.*) Such are the duties of his Visitation, his benefit growing from Ordaining and Instituting Priests, Prestation Money, that is, *subsidium charitativum*, which, upon reasonable cause, he may require of his Clergy, the benefit of his Jurisdiction, &c. *Joachimus Stephanus de Jurisdic. lib. 4. ca. 14. num. 14.*

**Spittle-house**, (mentioned in the Act for Subsidies, 15 Car. 2. ca. 9.) is a corruption from *Hospital*, and signifies the same thing; or, it may be taken from the Teutonic *Spital*, an Hospital, or Almshouse.

**Spoilation**, (*Spoliatio*) Is a Writ that lies for an Incumbent against another Incumbent, in case where the right of Patronage comes not in debate. As if a Parson be made a Bishop, and has dispensation to keep his Rectory, and afterwards the Patron presents another to the Church, who is instituted and inducted; The Bishop shall have against this Incumbent a Writ of *Spoilation* in Court Christian. *Fitz. Nat. Br. fo. 36. See Benevolence.*

**Spullers of Yarn**, (*Anno 1 Maria. Parl. 1.*

ca. 7.) Are tryers of Yarn, to see if it be well spun, and fit for the Loom.

**Squaler** (*Anno 43 Eliz. ca. 10.*) See *Rewey*. It is a note of faltines in the making of Cloth.

**Stableland**, (*Stabilis status*, vel potius, *status in stabulo*) is one of the four Evidences, or Presumptions, whereby a Man is convinced to intend the stealing the Kings Deer in the Forest. *Manwood, Par. 2. ca. 18. num. 9.* the other three are *Dogdrato*, *Backbear*, *Bloudy-hand*. This *Stableland* is, when a Man is found at his standing in the Forest, with a Cross, or Long-Bow bent, ready to shoot at any Deer, or else standing close by a Tree with Greyhounds in a leash, ready to slip.

**Stagnarium**. (*Relictum Stannarium*) A Tinnine. *Rex, &c. Roberto de Curtenay: Concessimus Domina Regina matri nostra Cuncum & Stagnarium Devon. ad se sustinendum.* Paten. Anno 1 Hen. 3.

**Stagnies**, (*Stagna*) Ponds, Pools, or standing Waters. — mentioned, *Anno 5 Eliz. ca. 21.*

**Stalboat**, A kind of Fishers-boat. *Anno 27 Eliz. ca. 21.*

**Stalkers**, A kind of Fishing-Nets; mentioned *Anno 12 Rich. 2. Stat. 1. ca. 20. & 17 ejusdem, ca. 9.*

**Stallage**, (*Stallagium*) From the Sax. *Tcal. i. Stabulum, status*) the liberty or right of pitching or erecting Stalls in Fair or Market, or the Money paid for the same. *Quid si aliquis portaverit res suas ad forum & posuerit super Stalias, faciet redemptionem pro eis qualibet die Luna, vel semel pro toto anno.* Ex Registro Priorat. de Cokesford. See *Scavage*. In Scotland it is called *Stallage*, and among the Romans it was termed *Siliquaticum*.

**Standarb**. See *Estandard*.

**Standel**, Is a young store-Oake-tree, which may in time make Timber; twelve such are to be left standing in every Acre of Wood, at the felling thereof. *Anno 35 Hen. 8. ca. 17. and 13 Eliz. ca. 25.*

**Stannaries**, (*Stannaria*, from the Lat. *Stannum*, i. Tin,) Are the Mines and Works where this Metall is got and purify'd, as in Cornwall and elsewhere. Of which read *Cam. Brit. pa. 119.* The liberties of the *Stannary-men*, granted by Edward the first, before they were abridg'd by the Statute of 50 Edward the Third. See in *Plowden, casu Mines, fo. 327. and Cokes 12 Rep. fo. 9.* And the liberties of the *Stannary-Courts*, see *Anno 17 Car. 1. ca. 15.*

**Staple**, (*Stipulum*) Signifies this or that Town or City, whether the Merchants of England were by Act of Parliament to carry their Wool, Cloth, Lead, Tyn, and such like Staple Commodities of this Land, for the utterance of them by the great. The word comes from the Fr. *Esape*, i. *Forum vinarium*, a Market, or Staple for Wines, which is the principal Commodity of France. And, in an old French Book, thus — *A Calais y avoit Estape de la laine*, &c. i. The Staple for Wool. You may read of many places appointed for this Staple

otherwise called *Villanage* — *Bracton* adds — *Soccagium liberum est, ubi fit servitium in denariis Dominis capitalibus, & nihil inde omnino datur ad scutum & servitium Regni.* This free *Soccage* is also called *common Socage*, *Anno 37 H. 8. ca. 20.* Other divisions there are in our Law, Writers of *Soccage in Capite*, &c. But, by the *Statute 12 Car. 2. ca. 24.* all Tenures from and a ter 24 February, 1645, shall be adjudged and taken for ever to be turned into free and *Common Socage*.

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**Soken**, (*Soca*) See *Soc* and *Hamsoken*.

**Sokerebe** Seems to be the Lords Kent-gatherer in the *Soke* or *Soken*. *Fleta*, lib. 2. ca. 55.

**Solda**. — *Pateat* — quod nos *Johannes Romayne* senior de Leominstr. & *Johannes Romayne* junior de eadem remissimus — *Johanni Meole* vicario Ecclesie de Wygemore Ricardo Boterevell Constabular. *Cassri de Wygemore, & Fouke Sprengelhofe* totum jus nostrum & clauum — in una *Solda* cum pertinentiis in Leominstr. *Scituata in alto vico inter Soldam quondam Ricardi Spicer & Soldam qua fuit Philippi Collinge, &c. Dat. 2. Octobris, 19 Ric. 2.* It seems to be the same with *Solda*, a Shop, or Shed.

**Sollet & debet**. See *Debet & Solet*.

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**Solinus terra**, In *Domesday* Book contains two Plowlands, and sometimes less than a half; for there it is said *Septem Solini terre sunt, 17 Carucat.*

**Soller, or Solar**, (*Solarium*) A Chamber, or upper room. *Dedi* — unam Shopam cum Solario super edificato. *Ex vet. carta.*

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ca. 7.) Are tryers of Yarn, to see if it be well spun, and fit for the Loom.

**Squaler** (*Anno 43 Eliz. ca. 10.*) See *Rewey*.

It is a note of faltines in the making of Cloth. **Stableland**, (*Stabilis status*, vel potius, *status in stabulo*) is one of the four Evidences, or Presumptions, whereby a Man is convinced to intend the stealing the Kings Dear in the Forest. *Manwood, Par. 2. ca. 18. num. 9.* the other three are *Dogdzato*, *Wachbear*, *Wludby-band*. This *Stableland* is, when a Man is found at his standing in the Forest, with a Cross, or Long-Bow bent, ready to shoot at any Dear, or else standing close by a Tree with Greyhounds in a lease, ready to slip.

**Stagnarium**. (*Rebus Stannarium*) A Timine. *Rece. &c. Roberto de Curtenay: Concessimus Domina Regina matri nostre Cuncum & Stagnarium Devon. ad se sustinendum.* Paten. *Anno 1 Hen. 3.*

**Stragnes**, (*Stagna*) Ponds, Pools, or standing Waters. — mentioned, *Anno 5 Eliz. ca. 21.*

**Stralboat**, A kind of Fishers-boat. *Anno 27 Eliz. ca. 21.*

**Stralers**, A kind of Fishing-Nets; mentioned *Anno 13 Rich. 2. Stat. 1. ca. 20. & 17 ejusdem, ca. 9.*

**Stallage**, (*Stallagium*) From the Sax. *ſtal*. i. *Stabulum, status* the liberty or right of pitching or erecting Stalls in Fair or Market, or the Money paid for the same. *Quod si aliqui portaverint res suas ad forum & posuerint super Stallas, faciet redemptionem pro eis qualibet die Luna, vel semel pro toto anno.* Ex Registro Priorat. de Cokesford. See *Scavage*. In Scotland it is called *Stallage*, and among the Romans it was termed *Siliquaticum*.

**Standard**. See *Estandard*.

**Strandel**, Is a young store-Oake-tree, which may in time make Timber; twelve such are to be left standing in every Acre of Wood, at the felling thereof. *Anno 35 Hen. 8. ca. 17. and 13 Eliz. ca. 25.*

**Stannaries**, (*Stannaria*, from the Lat. *Stannum*, i. Tin,) Are the Mines and Works where this Metall is got and purify'd, as in Cornwall and elsewhere. Of which read *Cam. Brit. pa. 119.* The liberties of the *Stannary-men*, granted by Edward the First, before they were abridg'd by the Statute of 50 Edward the Third. See in *Plowden, casu Minet*, fo. 327. and *Cokes 12 Rep. fo. 9.* And the liberties of the *Stannary-Courts*, see *Anno 17 Car. 1. ca. 15.*

**Staple**, (*Stapulum*) Signifies this or that Town or City, whether the Merchants of England were by Act of Parliament to carry their Wool, Cloth, Lead, Tyn, and such like Staple Commodities of this Land, for the utterance of them by the great. The word comes from the Fr. *ſtappe*, i. *Forum vinarium*, a Market, or Staple for Wines, which is the principal Commodity of France. And, in an old French Book, thus — *A Calais y avoit Estape de la laine, &c. 1.* The Staple for Wool. You may read of many places appointed for this Staple

in our Statutes, according as the King thought fit to alter them, from 2 Ed. 3. ca. 9. to 5 Ed. 6. ca. 7. What Officers the *Staples* had belonging to them, you may see *Anno 27 Ed. 3. Stat. 2. ca. 21.* The *Staple Commodities* of this Realm are, *Wool, Leather, Woolfells, Lead, Tin, Butter, Cheese, Cloth, &c.* as appears by the Stat. 14 Ric. 2. ca. 1. though some allow only the five first. See 4 Inst. fo. 238.

**Star-chamber,** (*Camera stellata*, Otherwise called *Chamber des Etoiles*) Was a Chamber at *Westminster*, so called, because at first all the roof thereof was decked with Images of gilded Stars. *Anno 25 Hen. 8. ca. 1.* It is written the *Starred Chamber*. *Henry the Seventh* and *Henry the Eighth* ordained by two several Statutes, (*viz. 3 Hen. 7. ca. 1. and 21 Hen. 8. ca. 2.*) That the *Chancellor*, assisted by others there named, should have power to hear complaints against Retainers, Embracers, Misdemeanors of Officers, and such other offences, which, through the power and countenance of such as did commit them, did lift up the head above other faults, and, for which, inferior Judges were not so meet to give correction, and the Common-Law had not sufficiently provided. And, because that place was before dedicated to the like service, it was still used accordingly. See *Camden*, p. 112, 113. But, by the Stat. 17 Car. 1. ca. 10.) the Court commonly called the *Star-Chamber*, and all Jurisdiction, Power and Authority thereto belonging, &c. are, from and after 1 August, 1641, clearly and absolutely dissolved, and determined.

**Starling.** See *Sterling*.

**Statute,** (*Statutum*) Has divers significations. First, it signifies an Act of Parliament made by the King and his three Estates of the Realm; in which sense it is either general or special. *Coke*, lib. 4. *Hollands Case*. Secondly, *Statute* is a short Writing, called a *Statute-Merchant*, or *Statute-Staple*, which are in the nature of Bonds, *Anno 5 Hen. 4. ca. 12.* and are called *Statutes*, because made according to the form expressly provided in certain *Statutes*, which direct both before what persons, and in what manner they ought to be made. *West*, par. 1. *Symbol*, lib. 2. Sect. 151. defines a *Statute-Merchant* to be a Bond acknowledged before one of the Clerks of the *Statutes-Merchant*, and Mayor of the *Staple*, or chief Warden of the City of *London*, or two Merchants of the said City for that purpose assigned, or before the Mayor, chief Warden, or Mayor of other Cities or good Towns, or other sufficient Men for that purpose appointed; sealed with the seal of the Debtor, and of the King, which is of two peices, the greater is kept by the said Mayor, &c. and the less by the said Clerk. The form of which Bond *Fleta*, (lib. 2. ca. 64. Sect. 2.) thus delivers—*Novimus universi me N. de tali Comitatu teneri M. in Centum Marcis, solvendis eidem M. ad Festum Pent. Anno Regni Regis, &c. Et nisi fecero, concedo quod currant super me & heredibus meis districtio & pena provisa in Statuto Domini Regis edito apud Westm. Datum*

*London. tali die.*—The Fee for the Seal is, for *Statutes* acknowledged in Fairs, for every pound a half penny, and out of Fairs a farthing. The execution upon *Statute-Merchant* is first to take the Body of the Debtor, if he be lay, and can be found, if not, his Lands and Goods; and is founded on the Statute 13 Ed. 1. Stat. 4. See *New Book of Entries*, verbo, *Statute-Merchant*.

*Statute-Staple* is either properly so called, or improperly; Properly, is a Bond of Record acknowledged before the Mayor of the *Staple*, in the presence of one of the two Constables of the same *Staple*; The Fee for the Seal is, of every pound, (if the same exceed not 100 l.) a half-penny, and if it exceed 100 l. a farthing; By virtue of which *Statute* the Creditor may forthwith have execution of the Body, Lands and Goods of the Debtor, and this is founded on the Statute 23 Ed. 3. ca. 9. A *Statute-Staple improper*, is a Bond of Record, founded upon the Statute 23 Hen. 8. ca. 6. of the nature of a proper *Statute-Staple*, as to the force and execution of it, and acknowledged before one of the Chief Justices, and in their absence before the Mayor of the *Staple* and Recorder of *London*. The forms of all which Bonds or *Statutes* see in *Westm. Part 1. Symbol*, lib. 2. Sect. 152—154, &c.

*Statutes*, Is also used in our vulgar Discourse, for the petite Sessions, which are yearly kept for the disposing of servants in service, by the Statute 5 Eliz. ca. 4. See *Recognizance*.

*Statute-Sessions*, i. Otherwise called *Petty-Sessions*, are a meeting in every Hundred of all the Shires in *England*, where, by custom, they have been used, whereunto the Constables do repair, and others, both Houholders and Servants, for the debating of differences between Masters and their Servants, the rating of Servants Wages, and the bestowing such People in service, as being fit to serve, either refuse to seek, or cannot get Masters, *Anno 1 Eliz. ca. 4.*

**Statuto Stapulae**, Is a Writ, that lies to take his Body to Prison, and to seize upon his Lands and Goods who hath forfeited the Bond, called *Statute-Staple*. *Reg. of Writs*, fo. 151.

**Statutum de laborariis**, Is a Writ Judicial, for the apprehending such Labourers, as refuse to work according to the Statute. *Reg. Judic.* fo. 27. b.

**Statutum mercatorum**, Is a Writ for the Imprisoning him, that has forfeited a Bond called *Statute-Merchant*, until the Debt be satisfied. *Reg. of Writs*, fo. 146. b. and of this there is one against Lay-persons, another against Ecclesiastical.

**Stemnefreoch**, —*Nec non libertate multura sua in molendino ipsius Roberti, &c. quod sint Stemnefreoch & Cholfreoch.* *Mon. Angl.* 2 Par. fo. 293. b. *quare*.

**Stennerie**, Is used for the same with *Stanneries* in the Statute 4 Hen. 8. ca. 8. See *Stanneries*.

**Sterbrech**, alias **Strebzech**, Is the breaking, obstruction, or diminution of a way, or the turning

turning it out of its right course; from the old English word *Stre*, i. *Via*, and *Wrech*, *fractio*, *violatio*; hence to go *astrey*, or as we now write it *stray*, i. To go out of the way. *Strebzech* 100 sol. *omndet*. *Leg. Hen. 1. ca. 81.* *Strebzech* est, si quis viam suam, concludendo, vel averiendo, vel fodiendo. MS.

**Sterling**, (*Sterlingum*, and in old Records *Sterilenfis*) Was the ancient Epitheton for money (properly of Silver) current in this Realm; Stat. of *Purveyors*, ca. 13. and took name from this, that there was a certain pure Coyn, stamped first in *England* by the *Easterlings*, or Merchants of *East-Germany*, by the command of King *John*. Accordingly *Hoveden* writes it *Esterling*: And, in several old Deeds I have seen *vint livres d'Esterlings*. By the Stat. 31 Ed. 1. the Penny, which is called the *Sterling*, round, and without clipping, weighs 32 graines of Wheat, well dried, and twenty pence make an ounce, and twelve ounces a pound, and eight pound a Gallon of Wine, and eight Gallons a Bushel, which is the eighth part of a Quarter. —The word *Sterling* is now much disused, in stead of five pound *sterling*, we say five pound of currant, or lawful English Money. See more of this word in the *Sax. dict.* verbo, *Steopan*.

**Stewes**, or **Stues**, Are those places, which were permitted in *England* to Women of professed incontinency, for the profer of their bodies to all comers; and is derived from the Fr. *Efluves*, (i. *Iherma*, *Bathneum*) because wantons are wont to prepare themselves for venereous acts, by bathing; And, that this is not new, *Homer* shews in the eighth Book of his *Odys.* where he reckons *Hot Batches* among the effeminate sort of pleasures. See the Statute of 11 Hen. 6. ca. 1. —*Henry the Eighth* about the year 1546, forbade them for ever.

**Steward**, (*Senescallus*) Is compounded of the Sax. *Steda*, i. Room, Place or Stead, and *Ward*, as much as to say, a man appointed in my place or stead; and hath many applications, yet alwayes signifies an Officer of chief account within his Jurisdiction. The greatest of these is the *Lord High-Steward of England*, which was anciently the inheritance of the Earls of *Leicester*, till forfeited to *Henry the Third* by *Simon de Mountfort*; but, the power of this Officer being very great, of late he has not usually been appointed for any long time, but only for the dispatch of some special business, at the Arraignment of some Noble-man in case of Treason, or such like, which once ended, his Commission expires. Of the *High-Steward of England* Court you may read 4 Inst. fo. 59. Then is there the *Steward of the Kings Household*, *Anno 24 Hen. 8. ca. 13.* whose name was changed to that of *Great-Master*, *Anno 32 ejusdem*, ca. 39. But, this Statute was repealed by 1 Mar. 2 Parl. ca. 4. and the Office of *Lord Steward of the Kings Household* revived, where you may read much of his Office; as also in *Fitz. Nat. Br.* fo. 241. b. Of this Officers ancient power read *Fleta*, lib. 2. ca. 8. This word is of fo

great diversity, that there is in many Corporations, and in all houses of Honour, throughout the Realm, an Officer of this name and authority. What a *Steward* of a Mannor or Household is, or ought to be, *Fleta* fully describes, lib. 2. ca. 71, & 72. Though *Senescallus* be now the usual Latin for *Steward*, yet I have seen a Copy of Court-Roll of *Mardyn* in *Herefordshire*, (17 Edw. 4.) concluding thus, —*Et huic Copie sigillum Locumtenentis est appensum.*

**Stilpard**, (*Guild-halda Leutonizorum*) *Anno 19 Hen. 7. ca. 23.* — 22 Hen. 8. ca. 8. and 32 ejusdem, ca. 14.) Was a place in *London*, where the fraternity of the *Easterling-Merchants*, otherwise called the *Merchants of Havens* and *Almain*, (*Anno 1 Edw. 6. ca. 13.*) had their abode. See *Geld*. It was so called of a broad place or Court, wherein *Steel* was much sold, upon which place that House was founded. See *Havens*.

**Stoc** and **Stobel**, —*Praterca si homines de Stanbal dicti Abbatis inventi fuerint in bosca praedicti W. cum forisfacto ad Stoc & ad Stobel*, (al. *Stobene*) & aliqui quereus corporaliter in terram per eos sessa fuerit, malefacto pro delicto, qui taliter inventus est, reddet tres solidos — Similiter concessum est, quod si aliqui inventus fuerit cum branchis quercuum, vel cum aliis minutis bosciis, cum forisfacto illo ad Stoc & ad Stobel, malefactor ille reddet sex denarios. E quadam Carta conventionum inter Will. de Bray & Abbat. & Conv. de Osney. See *Zuche*.

**Stockhind**. See *Gavelkind*.

**Stotall**. —Also mozeover we have granted, in amendment of the City, that they bin all quit of Bryztchel, of Childwit, Zeregen, and of Stotall; So that no Sheriff of *London*, neither none other Waply, make Stotall in the *Franchise* aforesaid, &c. This I find in an old Printed Book, which delivers it (*inter al.*) As the Charter of *Hen. 1.* to the City of *London*; but, the world is without doubt mistaken for *Stotale*.

**Stone of wool**, (*petra lana*, *Anno 11 Hen. 7. ca. 4.*) Ought to weigh fourteen pounds, yet in some places by Custom it is more, and in some places it is but twelve pounds and a half. *Le Charre de plumbo constat ex 30 formellis & qualibet formella continet 6 petras exceptis duabus libris, & qualibet Petra constat ex 12 libris.* Compositio de ponderibus. A *Stone of Wax* is eight pound. And, at *London*, the *Stone of Beef* is no more. See *Weights* and *Sampler*.

**Stobene**. See *Zuche*.

**Stowage**, (From the Sax. *Top*, *Lacus*,) Is the Room or place where Goods are laid, or the money that is paid for such place.

**Straita** or **Stretta** (*Anno 18 Hen. 6. cap. 16. and 1 Ric. 3. cap. 8.*) A sort of narrow, Course Cloth, or Kersey, anciently so called.

**Stranded** (from the Sax. *Strand*, i. A Shore or Bank of the Sea, or great River) Is when a Ship is by tempest, or ill steerage run on Ground, and so perishes. Stat. 17 Car. 1. cap. 14. See *Strond*.



**Strap.** i. Si aliquod animal casu erraverit, & infra libertatem Prioris advenit, & a Ballivis ejus captus fuerit, ducetur ad Pynfoldam, & ibi servabitur per unum annum & unum diem; si nemo illud clamaverit infra illud tempus, erit Priori: Si autem venerit quis & legitime probaverit illud esse suum, dabit pro quolibet pede unum denarium, & solvet expensas que facta fuerant, & rebaebit bestiam suam. Ex Registro Priorat. de Cokesford, see Estray.

**Stranger** (Fr. *Estranger*) Signifies generally a Man born out of the Realm, or unknown; but in Law it hath a special signification for him that is not privy, or party to an Act: As a Stranger to a Judgment, (*Old Nat. Br. fol. 128.*) is he to whom a Judgment does not belong, and herein it is directly contrary to party or privy. See Privy.

**Stream-works** (*Anno 27 Hen. 8. cap. 23*) Is a kinde of work in the Stanneries. Of these Mines or Tinworks (says Camden in his Britan. fol. 184.) there are two kinds; the one called Lodeworks, the other Stream-works: This lies in lower Grounds, when by Trenching they follow the Veins of Tin, and turn aside now and then, the streams of Water coming in their way: The other is in higher places, when upon the Hills they dig very deep Pits, which they call Shafts, and undermine.

**Stræt-gabel** or **Strol-gabel**, i. Quilibet tenens in Mancerio de Chrolinton dabit 2 s. pro ritu & reditu. MS. de temp. E. 1. Every Tenant of that Mannor (in *Com. Suffex*) paid yearly 2 s. (for his going out, and returning into it) to the Lord of the Mannor, by the name of Stræt-gavel. Mich. 4 Edw. 1. Coram Rege. Antiquity of Pourceyance, fol. 222.

**Strip** (*Streptus*) Destruction, Mutilation; from the Fr. *Estrupier*, i. Mutare, detruncare radiatus — *Streptum* & *vastum* facere, i. To make Strip and Waste, or Strop and Waste. See *Estreampment*.

**Streteward.** Per Streteward Johannes Stanley Ar. clamat quod Servientes pacis & Ministri sui infra Feodum de Aldford capere debent de qualibet fuga catallorum in d. Rot. Pla. in Itiner. apud Cestriam 14 H. 7. See *Marketgeld*.

**Strond** (*Sax*) A Shore or Bank of the Sea or great River. Ricardus Rex — Notum facimus vobis nos concessisse — Deo & Sancto Albano Ecclesia sue Sancti Oswyni de Lynemuth, Cella S. Albani & Monachis ibidem Deo servientibus omnes terras suas & omnes homines suos, cum Sacha, Soca, Uber Strond & Streame, on Wode & Felde, Toll, Them, & Gritsburg, Hamsoene, Murdrum & Forestal, Danegeld, Infangenethes, & Vsfangenethes, Flemmesfreneth, Blodwit, Wrec, &c. Dat. 4 Nov. Anno 1 Regni nostri apud Cant. On Stronde et Streame, on Wode et Feld. — Voces Anglica veteres, & in antiquis avi Chartis crebro reperiuntur: Privilegium sapient, seu potius privilegium latitudinis amplitudinem, & sic Latine legantur, in litore, in fluvio, in sylva & Campo. Glofs. in x Scriptores.

**Strumpet** (*Mercetrice*) Was heretofore used for an Addition. — Jur. present, &c. Quod Johannes le Maynwarunge de Whatecroft de Com. Cestria Esq; Laurentius le Waren de Davenham Esq; &c. Hugo de Sondebache Toman, Hopkin, Norman de Com. Cest. Husband-Knave, Willielmus le Birchewode de Clyve-Knave, cum plurimis aliis, & Agnes Cawes de Medio Wico de Comitatu Cest. Strumpet. — Tali die domum Ranulphi Madock vi & armis — fregerunt, &c. Pla. apud Cestriam 6 Hen. 5. m. 2. in dorfo.

**Strud** — Libere vendendi & emendi, tam in Cestria, quam in Comitatu & Wyeis, ubi non fuit Lex ulla, omnia sine Toll & Stud, prater sal & equis, &c. Mon. Angl. 2 Par. fol. 187. b. It is probable this is the same, which is elsewhere written *Stuth*.

**Struth**, — Per Struth clamare esse quiet. de exactione pecunie a singulis villis — Per Vicecom. Comit. Cestria. Pl. in Itin. ibid. 14 Hen. 7.

**Submarshal** (*Submarcellus*) Is an Officer in the Marshalsea, who is Deputy to the Chief Marshal of the Kings-house, commonly called the Knight Marshal, and hath the custody of the Prisoners there. *Crompt. Jurisd.* fol. 104. He is otherwise called *Under Marshal*.

**Subornation** (*Subornatio*) A secret or underhand preparing, instructing, or bringing in a false witness; or corrupting or alluring unto leudness. Hence Subornation of Perjury (mentioned in the Act of General Pardon. 12 Car. 2. cap. 8.) is the preparing, bringing in or alluring unto Perjury. Subornation of Witnesses. 32 Hen. 8. cap. 9. — 3 Part. Instit. fol. 167.

**Subpena**, Is a Writ whereby common persons are called into Chancery, in such Case onely, where the Common Law fails, and hath not provided: So as the party, who, in equity hath wrong, can have no ordinary remedy by the Rules and course of the Common Law; many examples whereof you may read in *West*, Par. 2. *Symbol. tit. Proceedings in Chancery*, sect. 18. But Peers of the Realm in such Cases are called by the Lord Chancellors Letter, giving notice of the Sute intended against them, and requiring them to appear. There is also Subpena ad Testificandum, which lies for the calling in of Witnesses to testify in any Cause, as well in Chancery as other Courts. And the name of both proceeds from words in the Writ, which charge the party called to appear, at the day and place assigned, *Subpena Centum librarum, &c.* *Crompt. Jurisd.* fol. 33. Anno 15 Hen. 6. cap. 4.

**Subsidium Cathedraliticum.** See *Cathedralitic*.

**Subsidy** (*Subsidium*) Signifies an Aid, Tax, or Tribute, granted by Parliament to the King, for the urgent occasions of the Kingdom, to be levied of every Subject of ability, most commonly after the rate of 4 s. in the pound for Land, and 2 s. 8 d. for Goods.

I Do not finde, that the Saxon Kings had any Subsidies collected after the manner of those this day; but they had many Customs whereby they

they levied Money of the people, or personal service toward the building and repairing of Cities, Castles, Bridges, Military Expeditions, &c. which they called *Urbgote, Brigbote, Herefare, Heregeld*, &c. But, when the Danes oppressed the Land, King Egredus in the year 1007 yielded to pay them for redemption of Peace 10000 l. which after was increased to 36000 l. then to 113000 l. and at last to a yearly tribute of 48000 l. This was called *Danegeld*, i. Danica solutio. And, for levying it; every Hide of land, that is, every Plough-land was cessed 12 d. yearly, the Church-lands excepted; and thereupon it was after called *Hydagium*, which name remained afterward upon all Taxes and Subsidies imposed upon Lands; for, sometimes it was imposed upon Cattel, and was then called *Hornegeld*. The Normans called both these sometimes, according to the Latin and Greek word Taxes, sometimes, according to their own language *Tallagium*, of tallier, to cut or divide; And sometimes, according to the word usual beyond the Seas, *auxilia* & *subsidia*. The Conqueror had these kind of Taxes or *Tallages*, and made a Law for the manner of levying them, as appears in *Emendationibus ejus*, pa. 125. Sect. *volumus & hoc firmiter, &c.* After the Conquest these Subsidies seem to have been granted in other manner then now they are; as, every ninth Lamb, every ninth Fleece, and every ninth Sheaf, Anno 14 Edw. 3. Stat. 1. ca. 20. Of which you may see great variety in *Rafts Abr. Tit. Taxes, Tenths, Fifteenths, Subsidies*, &c. and 4 Inst. fo. 28. & 33. whence you may conclude there is no certain rate, but as the Parliament shall think fit. *Subsidy* is, in our Statutes, sometimes confounded with *Custom*. Anno 11 Hen. 4. ca. 7. See *Benevolence*, and 15 Car. 2. ca. 7.

**Sucking.** Per Sucking, hoc est fore quiet de illis amerciamus quando le Burlimen, id est, supervisors del Ringyord, id est Clausur. qua vocat. le Chiminfildes vel common Meadows, & pramonit. fuerint ad imparcand. & faciend. clausuras illas simul cum vicinis suis, ille qui non venit ad talem pramonitionem amerciatu erit ad pretium unius vomeris, Anglice a *Suck*, prattii quatuor denar. & hoc quotiescumque pramonit. non venerit. Pla. in Itin. apud Cestriam, 14 Hen. 7.

**Surety of peace.** (*Securitas pacis*, so called, because the party that was in fear is thereby secured) Is an acknowledging a Bond to the Prince, taken by a competent Judge of Record, for the keeping of the Peace. This peace a Justice of Peace may command, either as a Minister, when he is willed so to do by a higher Authority, or as a Judge, when he does it of his own power, derived from his Commission. Of both these see *Lamb. Eiren. lib. 2. ca. 2. pa. 77.* See *Peace* and *Supplicavit*. It differs from *Surety of good abearing* in this, that whereas the Peace is not broken without an affray, battery, or such like; *Surety de bono gestu* may be broken by the number of a mans company, his Weapons or Harnefs.

**Suffragan**, (*Suffraganus*) Is a titular Bishop, ordained to assist the Bishop of the Diocese in his Spiritual Function. Sir Edw. Coke, (2 Inst. fo. 79.) calls him a Bishops Vice-gerent. — Dicuntur (*Episcopi*) qui Archiepiscopo suffragari & assistere tenentur, says *Spelman*. Et Suffraganei dicuntur, quia eorum suffragis cause Ecclesiasticae judicantur. It was enacted, (*Anno 26 Hen. 8. ca. 14.*) that it should be lawful for every Diocesan at his pleasure to elect two honest and discreet Spiritual persons within his Diocese, and to present them to the King, that he might give the one of them such Title, Stile, Name and Dignity of such of the Sees in the said Statute specify'd, as he should think convenient, &c. and that every such person shall be called *Bishop Suffragan* of the same See, &c. Cam. in his Britan. Tit. Kent. speaking of the Arch-bishop of Canterbury Suffragans, says, When the Arch-bishop is busied in weightier Affairs, they manage for him matters that pertain to Orders onely, and not to the Episcopal Jurisdiction.

**Suite**, or **Sute**, (*Sella*) Fr. *Suite*, i. *Consecutio, sequela* Signifies a following another, but in divers fences; the first is a *Sute in Law*, and is divided into *sute real* and *personal*. 2. *Sute of Court*, or *Sute-service*, is an attendance which a Tenant owes to the Court of his Lord, (*Anno 7 Hen. 7. ca. 2.*) 3. *Sute-Covenant*, is, when your Ancestor has Covenanted with mine to sue to his Court, 4. *Sute-Custom*, when I and my Ancestors have been seised of your and your Ancestors *Sute* time out of minde. 5. *Sute-real*, or *regal*, when men come to the Sheriffs Turn, or Lect. 6. *Sute* signifies the following one in Chase, as *fish-sute*, *Westm. 1. ca. 46.* Lastly, it signifies a Petition made to the King, or any great person.

**Suite of the Kings Peace**, (*Sella pacis Regis*) Is the pursuing a man for breach of the Kings Peace, by Treasons, Insurrections, or Treipsasses, Anno 6 Rich. 2. Stat. 2. ca. 1. and 27 ejusdem, ca. 15. & 5 Hen. 4. ca. 15.

**Suit-silver.** See *Sute-silver*.

**Suiting.** See *Swoiling*.

**Summage.** See *Sumage*, & *Seme*.

**Sumage**, or **Summage**, (*Summagium* & *Summagium*, a *Horfe-load*) Toll for carriage on Horfeback. *Crompt. Jur.* fo. 91. *Forestarus capiat* — pro uno equo qui portat summagium, per dimidium anni obolum. — *Charta de Foresta*, cap. ante-penult. & *Char. Edw. 1. num. 17.*

**Summoneas**, Is a Writ Judicial of great diversity, according to the divers cases wherein it is used; which see in the Table of the Reg. judicial.

**Summoner**, (*Summonitor*) Is a small Officer that calls or cites men to any Court; These ought to be *boni homines*, that is in *Flora's* Judgment, *liberi homines*, & ideo *boni*, quia terras tenentes, quod sint coram talibus Justiciariis ad certos diem & locum, secundum mandatum Justiciarii vicecomitis directum, parati inde facere recognitionem, lib. 4. ca. 5.

**Summons**, (*Summonitio*) Signifies with us, as much as *vocatio in jus*, or *Citatio* among the Civilians; and thence is our word *Summoner*, which in French is *Summonneur*, (*i. Vocator, Monitor.*) *Summons* of the Exchequer, *Anno 3 Edw. 1. ca. 19.* How *Summons* is divided, and what circumstances it has to be observed. See *Fleta*, lib. 6. ca. 6. 7.

**Summons in terra petita**, (*Kitchin*, fo. 286.) Is that *Summons* which is made upon the land, which the party (at whose Suite the *Summons* is sent forth) seeks to have.

**Summons ad Warrantizandum**, (*Dyer*, fo. 69 nu. 35.) *Summonas ad warrantizandum*, Is the Process whereby the vouchee is called. See *Coke on Litt.* fo. 101. b.

**Sumptuary Laws**, Are Laws made to restrain excess in Apparel, and prohibit costly Cloaths, of which we have anciently had many in *England*, but all repealed, *Anno 1 Jac. 2. 3 Inst.* fo. 199.

**Super institution**, (*Super institutio*) One *Institution* upon another, as where A. is admitted and instituted to a Benefice upon one Title, and B. is admitted, instituted, &c. by the presentment of another. See *Hutchins Case in Crokes Rep.* 2 Par. fo. 463.

**Superoneratione pacura**, Is a Writ Judicial that lies against him, who is impleaded in the County, for the over-burdening a Common with his Cattel, in case where he was formerly impleaded for it in the County, and the Cause is removed into the Kings Court at *Westm.*

**Super prerogativa Regis**, Is a Writ which lay against the Kings Widdow, for Marrying without his Licence. *Fitz. Nat. Br.* fo. 173.

**Superfedeas**, Is a Writ, which lies in divers cases, and signifies in general a Command to stay or forbear the doing of that which ought not to be done, or, in appearance of Law, were to be done, were it not for the cause whereon the Writ is granted. For example, a man regularly is to have surety of Peace against him, of whom he will swear he is afraid, and the Justice, (if required) cannot deny it; yet, if the party be formerly bound to the Peace, either in Chancery, or elsewhere, this Writ lies to stay the Justice from doing that, which otherwise he might not refuse. See the *Table of the Reg. of Writs*, and *Fitz. Nat. Br.* fo. 236. for preventing the superseding Executions. See the *Statute 16 & 17 Car. 2. ca. 8.*

**Super Statuto Edm. 3. versus Servants and Labourers**, Is a Writ that lies against him, who keeps my *Servants* departed out of my service against Law. *Fitz. Nat. Br.* fo. 167.

**Super Statuto de Poze, quo nul terra teller**, &c. Is a Writ lying against him, that uses Victualling, either in Grofs, or by Retail, in a City, or Borough-Town, during the time he is Mayor, &c. *Fitz. Nat. Br.* fo. 172.

**Super Statuto**, *1 Edw. 3. ca. 12 and 13.* is a Writ that lay against the Kings Tenant hold-

ing in Chief, who alienated the Kings Land without his Licence. *Fitz. Nat. Br.* fo. 175.

**Super Statuto facto pour Beneshal & Marshal de Roy**, &c. Is a Writ lying against the Steward or Marshal, for holding Plece in his Court of Freehold, or for trespass, or contracts, not made within the Kings household. *Fitz. Nat. Br.* fo. 241.

**Super Statuto de articulis Cleri**, ca. 6. Is a Writ against the Sheriff, or other Officer, that distrains in the Kings High-way, or in the Glebeland, anciently given to Rectories. *Fitz. Nat. Br.* fo. 173.

**Superbifoz**, (*Lat.*) A Surveyor, or Overseer: It was anciently, and still is a Custome among some, especially of the better sort, to make a Supervisor of a Will; an Office or Title (as it is now carelessly executed) to little purpose, and of as little use; however the intendment may be good, viz. That he should supervise the Executors, and see the Testators will punctually performed.

**Superbifoz of High-wayes**, (*Anno 5 Eliz. ca. 13.*) Is otherwise called *Surveyor*. See *Surveyor*.

**Supplicabit**, Is a Writ issuing out of the Chancery, for taking the surety of Peace against a Man; It is directed to the Justices of Peace and Sheriff of the County, and is grounded upon the Statute *1 Edw. 3. ca. 16.* which ordains, that certain persons shall be assigned by the Chancellor to take care of the peace. See *Fitz. Nat. Br.* fo. 80. This Writ was of old called *Breve de minis*, as *Lam.* in his *Eiren.* notes out of *Reg. of Writs*, fo. 88.

**Sur cui in vita**, Is a Writ that lies for the heir of that Woman, whose Husband has alienated her Land in Fee, and the brings not the Writ *Cui in vita*, for the recovery of her own Land; in this case her heir may have this Writ against the Tenant after her decease. *Fitz. Nat. Br.* fo. 193.

**Surcharge of the Forest**, (*Superoneratio Foresta*) Is, when a Commoner puts on more Beasts in the Forest, than he has right unto. *Manwood*, Par. 2. ca. 14. nu. 7. and is taken from the Writ *De secunda superoneratione pacura* in the same sense, when the Commoner furchargeth. *3 Inst.* fo. 293.

**Surplusage**, (*Fr. Surplus*, *i. Corollarium, additamentum*) Signifies a superfluity, or addition more than needs, which sometimes is a cause that a Writ abates. *Brooke*, in *Nugation & Superfluity*, fo. 100. *Plowden*, *Case, Dives contra Manningham*, fo. 63. b. It is sometime also apply'd to matter of account, and signifies a greater disbursement, than the Charge of the Accountant amounts unto: *Satisfaciant in omnibus quod conjunctum fuerit per pradiatum computum inter eos de surplusagio recepto de averiis venditis*, &c. *Ordinatio de marisco Romenciensi*. Pa. 38.

**Surrejoinder**, Is a second defence of the Plaintiffs Action, opposite to the Defendants *Rejoinder*. *West*, Part 2. *Symbol.* tit. *Supplicatio*,

tions. *Scil.* 57. And therefore *Hutoman* calls it *TriPLICATIONem, quæ est secunda Alteri defensio, contra Rei duplicationem appposita*.

**Surrebutter**, A second *Rebutter*, or a *Rebutter* more then once. See *Rebutter*.

**Surrender** (*Sursum redditio*) Is an Instrument in Writing, testifying with apt words, that the particular Tenant of Lands, or Tenements for Life or Years, does sufficiently consent and agree, that he, who hath the next or immediate Remainder or Reversion thereof, shall also have the present estate of the same in Possession, and that he yields and gives up the same unto him: For every *Surrender* ought forthwith to give a possession of the thing surrendered. *West*, Part 1. lib. 2. *scil.* 503. where you may see divers Presidents. And a *Surrender* may be of Letters Patent to the King, to the end he may grant the estate to whom he pleaseth. But there may be a *Surrender* without writing; and therefore there is said to be a *Surrender in Deed*, and a *Surrender in Law*: The first is that which is really and sensibly performed; the other is, in intendment of Law, by way of consequent, and not actual. *Perkins*, *Surrender*, fol. 600. As, if a Man have a Lease of a Farm, and during the term, he accept of a new Lease, this Act is in Law, a *Surrender* of the former. *Coke 6 Rep.* fol. 11. b. There is also a *Customary Surrender* of Copihold Lands, for which see *Coke on Litt.* *scil.* 74.

**Surrogate** (*Surrogatus*) One that is substituted or appointed in the room of another, most commonly of a Bishop, or the Bishops Chancellor.

**Surfise** (*Superfisa*) Seems to be an especial name used in the Castle of *Dover*, for such Penalties and Forfeitures, as are laid upon those that pay not their Duties or Rent for Castleward at their days. *Anno 32 Hen. 8. cap. 48.* *Bracton* hath it in a general signification. *Lib. 5. tract. 3. cap. 1. num. 8.* and *Fleta*, lib. 6. cap. 3.

**Surbepoz** (*Supervisor*) Is compounded of two French words, *Sur*, *i. Super*, and *Veom*, *i. Cernere, intueri*) Signifies one that hath the over-seeing, or care of some great persons Lands or Works. As the *Surveyor-General* of the Kings Mannors. *Crompt. Jurisd.* fol. 106. And, in this signification, it is taken *Anno 33 Hen. 8. cap. 39.* where there is a Court of *Surveyors* erected.

**Surbepoz of the Kings Exchange** (*An. 9 Hen. 5. stat. 2. cap. 4.*) Was an Officer, whose name seems in these days to be changed into some other; or the Office it self (being very ancient, legal, and profitable for the Commonwealth) disused.

**Surbifoz** (from the *Fr. Survivre*, *i. Superesse*) Signifies the longer liver of two Joynt-tenants. See *Brook*, tit. *Joynt-tenants*, fol. 33. or of any two joynd in the right of any thing.

**Suskin**. See *Galli halfpence*.

**Suspente** or **Suspension** (*Suspensio*) Is a Temporal stop or hanging up, as it were, of a

Mans right; as when a Seignory, Rent, &c. by reason of the Unity of Possession thereof; and of the Land, out of which they issue, are not in esse for a time, & tunc dormiunt, but may be revived or awaked, and differs from *Extinguishment*, which dies for ever. *Coke on Litt.* lib. 3. cap. 10. *scil.* 559. *Brook*, tit. *Extinguishment and Suspension*, fol. 314. **Suspension**, Is also sometimes used by us, as it is in the Canon Law, *Pro minori Excommunicatione*, *Anno 24 Hen. 8. cap. 12.*

**Sutpiral** (from the *Lat. Suspirare*, *i. Ducere suspiria*) Seems to be a Spring of Water, passing under the Ground toward a Conduit or Cistern. *Anno 32 Hen. 8. cap. 10.*

**Sute**. See *Suite*.

**Sute-fiber**, Is a small Rent or sum of Money, which, if paid, does excuse the Freeholders from their appearance at the Court Barons within the Honor of *Clun* in *Shropshire*.

**Swan-beard**. See *Kings Swan-beard*.

**Swanimote** or **Swainmote** (*Swainmotus*) From the Sax. *þpan*, *i.* (as we now call our Rusticks) A Country *Swain*, a *Boerlandman*, A Freeholder, and *Gemote*, *i. Conventus*; (the Sax. *g*, being usually turned into *i* or *y*) signifies a Court touching matters of the Forest, kept by the Charter of the Forest thrice in the year, before the *Verderers*, as Judges. *Anno 3 Hen. 8. cap. 18.* What things are inquirable in the same you may read in *Crompt. Jurisd.* fol. 180. And is as incident to a Forest, as a Court of *Prepounder* to a Fair. See *Lamberts Explication* of Saxon words, verbo, *Conventus*. — *Nul-lum Swainmotum de castro teneatur in Regno nostro, nisi in Anno, viz. In Principio quindecim dierum ante Festum Sancti Michaeli*, &c. *Circa Festum S. Martini*, & initio quindecim dierum ante Festum Sancti Johannis Baptiste, &c. Charta de Foresta tam Regis Johan. quam *Hen. 3. cap. 9.* See *4 Inst.* fol. 289.

**Swarf-money**. The *Swarf-money* is one penny half-penny, it must be paid before the rising of the *Swarf*, the party must go thize about the *Crofts*, and tap the *Swarf-money*, and then take witness, and tap it in the hole; and when ye have so done, look well that your witnesses do not deceive you; for if it be not paid, ye give a great forfeiture xxx s. and a white Bull. This Exposition was found in an old MS. containing the Rents due to the *Catesbies* in *Lodbroke*, and other places in *Warwickshire*. But conceived to be mistaken for, or to signify the same with *Warth-money*. See *Ward-penny*.

**Sweepage**. (*Coke on Litt.* fol. 4. b.) Is the crop of Hay got in a Meadow, called also the *Sweep* in some parts of *England*.

**Swooling** or **Suling of Land** (*Sulinga*, *Solinga*, vel *Soolinga terra*), Sax. *Sulung*, from *ful* vel *fulh*, *i. Aratrum*, as to this day in our Western Parts, a Plough is called a *Sul*, and a Plough-staff, a *Sul-paddle*) Is the same with *Carucata terra*, that is, as much as one Plough can Till in a year; a Hide of Land, other

others say it is *Quantitas incerta*. — *Dedit etiam idem inclitus Rex Wilhelmus* (Conqueror) *eidem Ecclesie de Bello in Cantia, Regale Manerium, quod vocatur Wy, cum omnibus appendiciis suis septem Swolingarum, id est, Hidarum, ex sua Dominica Corona, cum omnibus libertatibus, & regalibus consuetudinibus, &c. Rentale MS. de Wy tempore Ven. Patr. Tho. Ludlowe Abbat, fol. 1.* — *Terram trium aratorum, quam Cantiani Anglice dicunt Thre Swolings.* Carta pervetusta Ecclesie Cantuar. de qua vide Somnerum in Antiquity loci, pag. 211.

**Syb** and **Som** (Sax.) *Pax & Securitas*. — *Eallum Cipstenum Mannum syb & rom Gemene. id est, — Omnibus Christianis Pax & securitas communis esto.* LL. Ecclesie Canuti Regis, cap. 17.

**Syba Cadua** (Lat.) Wood under Twenty years growth : Coppice-wood. See the Stat. 45 Edw. 3. cap. 3. It is otherwise called *Subbois*. 2 Inst. fol. 642.

**Synod** (*Synodus*) A Meeting or Assembly of Ecclesiastical Persons for the Cause of Religion ; of which, there are four kinds. 1. *A General, Occumenical, or Universal Synod or Council*, where Bishops, &c. of all Nations meet. 2. *National Synod*, where those of one only Nation meet. 3. *A Provincial Synod*, where Ecclesiastical Persons of one only Province meet. 4. *Diocess Synod*, where those of but one Diocess meet. See *Convocation* : Which is the same thing with a *Synod* ; this being a Greek, that a Latin word.

**Synodal** (*Synodale*) Is a Cense or Tribute in Money paid to the Bishop, or Arch-deacon by the Inferior Clergy at Easter Visitation ; and it is called *Synodale* or *Synodaticum*, *Quia in Synodo frequentius dabatur*. The Impropriation of *Derhurst* in *Com. Gloc.* pays yearly vii s. ix d. *Pro Synodalibus & Procuracionibus*. Pat. 20 July, 34 Hen. 8. — *Et quod sint quicquid a Synodalibus, & ab omni Episcopali consuetudine, excepto denario Beati Petri.* Mon. Angl. 2 Pat. fol. 276. b. See *Historical Discourse of Procuracions and Synodals*, pag. 66. & 98. These are called otherwise *Synodals* in the Statute of 34 Hen. 8. cap. 16. Yet in the Statute of 25 Hen. 8. cap. 19. *Synodals* Provincial seem to signify the Canons or Constitutions of a Provincial Synod. And sometimes *Synodale* is used for the Synod it self.

## T.

**T.** Every Person convict of any other Felony (save Murder) and admitted to the benefit of his Clergy, shall be marked with a T. upon the Brawn of the Left Thumb, Anno 4 Hen. 7. cap. 13.

**Tabellion** (*Tabellio*) A Notary Publick or Scrivener, allowed by Authority to Engross

and Register private Contracts and Obligations : His Office in some Countreys did formerly differ from that of Notary, but now they are grown, or made one. *Quoniam Tabellionum usus in Regno Anglia non habetur, propter quod magis ad Sigilla authentica credi est necesse, ut eorum copia facilius habeatur, statimus ut Sigillum habeant non solum Archiepiscopi & Episcopi, sed eorum Officiales.* Matth. Paris, fol. 454. de Anno 1236.

**Tabling of Fines**, Is the making a Table for every County where His Majesties Writ runs, containing the Contents of every Fine, passed in any one Term, as the name of the County, Towns, and places, wherein the Lands or Tenements lie, the name of the Demandant and Deforcant, and of every Mannor named in the Fine. This is properly to be done by the Chirographer of Fines of the Common Pleas, who every day of the next Term, after the ingrossing any such Fine, does fix every of the said Tables, in some open place of the said Court, during its sitting. And the said Chirographer is to deliver to the Sheriff of every County, his Under-Sheriff or Deputy, a fair written in Parchment, a perfect content of the Table, so made for that Shire in the Term next before the Assizes, or else between the Term, and the Assizes, to be set up every day of the next Assizes in some open place of the Court, where the Justices sit, to continue there so long as they shall sit, &c. If either the Chirographer or Sheriff fail herein, he forfeits 5 l. And the Chirographers Fee for every such Tabling is 4 d. Anno 23 Eliz. cap. 3.

**Tail** (Fr. *Taille*, i. *Scuttra*) Signifies two things grounded upon one reason. (*Ploviden, Casu Willon. fol. 251.*) First, it is used for the Fee, which is opposite to Fee-simple, by reason it is so minced (as it were) or pared, that it is not in the owners free power to dispose, but is by the first giver cut or divided from all others, and tied to the issue of the Donce. *Coke, lib. 4. in Proximo.* And this limitation or Tail is either *General* or *Special*.

**Tail General**, Is that whereby Lands or Tenements are limited to a Man, and to the Heirs of his Body begotten, and it is *General*, because how many Women soever the Tenant, holding by this title, shall take to his Wives one after another, his issue by them all have a possibility to inherit one after another.

**Tail Special**, Is that whereby Lands or Tenements are limited to a Man and his Wife, and the Heirs of their two bodies begotten ; because, if the Man bury his Wife, before issue, and take another, the issue by his second Wife cannot inherit the Land. Also, if Land be given to A. and his Wife B. and to their Son C. for ever ; this is *Tail Special*. See *Fee*, and *Litt. lib. 1. cap. 2.* and *New Book of Entries*, verbo *Tail*.

**Tail**, in the other signification, is that we vulgarly call a *Talley* : For, *Une Taille de Bois* is a cloven peece of Wood to nick up an account upon : For in the Stat. 10 Edw. 1. cap. 11.

it

it is termed a *Tail* ; and so in *Brooks Abridg. tit. Tail d'Exchequer, fol. 247.*

**Talles** (*Tallia*) Are in these days called *Tallies*, explicated before : Of these we read in our Statutes two sorts, long used in the Exchequer. The one *Talles of Debt* (*Anno 1 Rich. 2. cap. 5.*) which are a kinde of Acquittance for Debt paid to the King. For example, the University of Cambridge pays yearly 10 l. for such things as are by their Charter granted them in Fee-farm, 5 l. at the *Annunciation*, and 5 l. at *Michaelmas*. He that pays these, receives at each day a *Tail* or *Talley* for his discharge ; with both which, or notes of them, he repairs to the Clerk of the Pipes Office, and there in stead of them receives an Acquittance in Parchment for his full discharge. The other, *Talles of Reward*, (mentioned *Anno 27 Hen. 8. cap. 11.* and in other Statutes) which seem to be *Talles* or *Tallies* of allowances or recompence made to Sheriffs, for such Matters, as (to their charge) they have performed in their Office, or for such Moneys as they, by course, have cast upon them in their accounts, but cannot levy, &c. See *Anno 2 & 3 Edw. 6. cap. 4.*

There are also *Talles* of Debt used among Subjects. — *Et si creditor habeat Tallem, oportet creditorem probare illam per convicinos suos vel per alios, per quorum fidelitatem Balivi & alii presentes illo tempore in Curia noticiam habere possunt, & si Creditor petat debitum per vocem suam simplicem, tunc debitor potest esse ad suam legem manifestatam.* MS. Codex de LL. Statutis, &c. *Burgivillz Mountgomer.* a Temp. Hen. 2.

**Tallage**. See *Tallage*.

**Taint** (*Atinctus*, Fr. *Teint*, i. *Infectus*, *Tinctus*) Signifies either a Conviction ; or a person convict of Felony or Treason, &c. See *Ataint*.

**Tales** (a Latin word of known significaton) Is used for a supply of Men, impannelled on a Jury or Enquest, and not appearing, or at their appearance, challenged by either party, as not indifferent ; in which case, the Judge upon motion grants a supply to be made by the Sheriff of one or more such there present, equal in reputation to those that were empannelled. Whereupon the very act of supplying is called a *Tales de Circumstantibus*. But he that hath had one *Tales*, either upon default or challenge may not have another to contain so many as the former : For the first *Tales* must be under the principal Pannel, except in a Cause of Appeal, and so every *Tales* less then other, until the number be made up of such as are without exception : Yet you may finde some exceptions to this general Rule in *Stamf. Pl. Cor. lib. 3. cap. 5.* These commonly called *Tales* may in some sort, and indeed are called *Meliores*, viz. When the whole Jury is challenged, as appears by *Brook. tit. Ofo tales & auter tales, fol. 105.*

**Tales**, Is also the name of a Book in the Kings Bench Office (*Coke, lib. 4. fol. 93. b.*) Of such Jury-men as were of the *Tales*.

**Tallage** (*Tallagium*) From the Fr. *Taille*, which originally signifies a peece cut out of the whole, and metaphorically a share of a Mans substance paid by way of Tribute, Toll, or Tax. Stat. *De Tallagio non concedendo. Tempore Edw. 1. And Stowes Annals, pag. 445.* Thence comes *Tailagiers* in *Charwoer* for Tax or Toll-gatherers. See *Subsidy*. These *Tallages* were anciently called *Cuttings*, which word is still retained in *Ireland*, in a not much different sense. *Tallage* (says Sir Edward Coke) is a general word, and includes all Taxes. 2 *Inst. fol. 532.*

**Talleys**. See *Talles*.

**Tallise** or **Tallwood**, (*Taliatura*) Is Fir-wood, cleft and cut into Billers of a certain length. *Anno 34 & 35 Hen. 8. cap. 3.* and *An. 7 Edw. 6. cap. 7.* Every Tallise marked one, being round bodied, shall contain sixteen inches of Aulse in compass, &c. *Anno 43 Eliz. cap. 14.*

**Tangier**, An ancient City of Barbary, lying within the Kingdom of Fesse, and distant from the *Streights* about Thirty Miles ; mentioned in the Statute of 15 Car. 2. cap. 7. And is now part of the Dominion belonging to the Crown of England.

**Tanistry**, Is a Law, Tenure, or Custom in some parts of *Ireland* ; of which thus, Sir John Davies in his Reports, fol. 28. b. *Quant ascun person morast seise des ascuns Castles, Mannors, terres ou tenements del nature & tenure de Tanistry, que donques mesme les Castles, &c. doent descendre, & de temps dont memory ne court ont use de descendre Seniori & dignissimo viro sanguinis & cognominis de tiel person issint morant seise, & que le file ou le files de tiel person issint morant seise de tous temps avantdit, ne fueront inheritables de tiels terres ou tenements, ou de ascun part de eux.* The name seems to be derived a *Tanais*. See Sir James Wares *Antiquitates Hibernia*, pag. 38.

**Tappa**. See *Bosinnus*.

**Tare and Tret**. The first is the weight of Box, Straw, Cloaths, &c. wherein Goods are packed. The other is a consideration allowed in the weight for wast, in emptying and refelling the Goods. *Book of Rates.*

**Tatels**, Is a kinde of hard Bur used by Clothiers and Cloth-workers in the dressing of Cloth. *Anno 4 Edw. 4. cap. 1.*

**Tassum**, A Mow or Heap ; from the Fr. *Tasser*, to heap or pile up. *Commissio facta fuit Roberto Haddam ad vendend. blada & alia bona diversarum Abbatiarum alienigenarum, qui venit & cognovit quod vendidit blada Priori de Tickford in garbis in duabus Tassis existens. pro 10 l. &c. Hill. 25 Edw. 3. Coram Rege. Rot. 13.*

**Tax** (*Taxa*, from the Gr. *τάξις*, *Quod non solum ordinem, sed & modum ratione temperatum significat, atque ob id etiam taxationem & tributum, unde τάξεως dicuntur qui tributum imponunt*) Was such a Tribute, as being certainly rated on every Town, was wont to be yearly paid, but now not without consent in Parliam-

ment,

ment, as the *Subsidy* is. And it differs from *Subsidy* in this, that it is always certain, according as it is set down in the *Exchequer Book*, and levied in general of every Town, and not particularly of every Man. It is also called a *Fifteenth*, Anno 14 Edw. 3. stat. 1. cap. 20. and 9 Hen. 4. cap. 7. It seems, that in ancient time, this *Tax* was imposed by the King at His pleasure, but *Edward* the First bound Himself and His Successors from that time forward, not to levy it, but by consent of the Realm. Anno 25 Edw. 1. cap. 5. See *Gild*, *Subsidy*, and *Fifteenth*.

**Taxatio bladozum**, An Imposition on Corn.

**Taxers**, Two Officers yearly chosen in *Cambridge*, to see the true gage of all Weights and Measures: The name took beginning from *Taxing* or Rating the Rents of Houses, which was anciently the duty of their Office.

**Tea** (Anno 12 Car. 2. cap. 15.) Is a kinde of potable liquor, lately introduced in England from China, and the *East Indies*, and is made of the Leaf of a Shrub, growing in those parts.

**Team and Theame, or Tem and Theme** (from the Sax. Tyman, i. Propagare, to teem, or bring forth) Signifies a Royalty granted by the Kings Charter to the Lord of a Mannor, for the having, restraining and judging Bondmen, Neifs, and Villains, with their Childrens Goods and Chattels in His Court.

**Theme est**, quod habeatis totam generationem villanorum vestrorum, cum eorum sctis & catallis ubicunque inveniunt fuerint in Anglia. — Qui autem jurisdictionem habent hujusmodi, curiam de Theme, i. De nativis vel servis, dicuntur habere, in qua olim licuit inter ceteros cognoscere de statu vassalli sui, utrum liber esset an servus. Anonymus in MS. Theme (says the Learned *Spelman*) in the Laws of Edw. Conf. cap. 21. & 25. Significare videtur jurisdictionem cognoscendi in Curia sua de advocacionibus, sive intertatiis, hoc est, de vocatiis ad Warrantiam. See *Glanville*, lib. 5. cap. 2. And *Glossarium in x. Scriptores*.

**Them**, i. Quod Prior habet totam generationem Villanorum suorum, cum eorum sctis & catallis ubicunque in Anglia inventa fuerint. Ex Registro Priorat. de Cokesford.

**Teinland (Teinlanda)** Tainland, Teimland vel Thainland, quasi terra Thani vel nobilis. Ten, i. Minister & Land, i. terra. Breve Regis Willielmi junioris lib. Rames. sect. 178. — Willielmus Rex Anglia W. de Cabanis salutem. Præcipio tibi ut facias convenire sibi de Hamstuna, & iudicio ejus cognosce si terra de Itham reddidit sumam Monachis Sancti Benedicti tempore Patri mei & si ista inventa fuerit, sit in Dominio Abbatis. Si vero Teinlanda tunc fuisse invenietur, qui eam tenet de Abbate, teneat & recognoscat, quod si noluerit, eam Abbas in Dominio habeat, & vide ne clero inde am-

plius ad nos vedem. Teste W. Episc. Dunelm. Where Teinlanda seems to signifie, Terra hereditaria & colonorum servituti non obnoxia. In *Domesday*, Land holden by Knights-service was called Tainland, and Land holden by Socage, Kneband. Coke on Litt. sect. 117.

**Teirs**, Is the third part of a Pipe, viz. Forty two Gallons. See *Tierce*.

**Teller**, Is an Officer in the *Exchequer*, of which there are four, whose office is to receive all Moneys due to the King, and to give the Clerk of the Pell a Bill to charge him therewith. They also pay to all persons any Money payable by the King, by Warrant from the Auditor of the Receipt, and make weekly and yearly Books, both of their Receipts and Payments, which they deliver to the Lord Treasurer.

**Thelonium**. See *Thelonia*.

**Templers, or Knights of the Temple** (*Templarii*) Was a Religious Order of Knighthood, instituted about the year 1119. and so called, because they dwell in a part of the Buildings belonging to the Temple at Jerusalem, and not far from the Sepulchre of our Lord: They entertained Christian-strangers and Pilgrims charitably, and in their armor led them through the Holy Land, to view the Sacred Monuments of Christianity, without fear of Infidels. This Order continuing and increasing for near Two hundred years, was spread in Christendom, and particularly here in England. But at length some of them at Jerusalem, falling away (as some Authors report) to the Saracens from Christianity, or rather because they grew too potent, the whole Order was suppressed by *Clement Quintus*, Anno 1309. And by the Council of Vienna, 1312. And their substance given, partly to the Knights of Saint Johns of Jerusalem, and partly to other Religious. *Cassan. de gloria mundi*, par. 9. *Confid.* 3. And see Anno 1 Edw. 1. cap. 24. These flourished here in England from Henry the Second's days, till they were suppressed. They had in every Nation, a particular Governor, whom *Bracton*, lib. 1. cap. 10. calls Magistrum Militie Templi. The Master of the Temple here was summoned to Parliament, 49 Hen. 3. m. 11. in Schedula. And the cheif Minister of the Temple-Church in London is still called Master of the Temple. Of these Knights, read Mr. Dugdale's *Antiquities of Warwickshire*, fol. 706. In ancient Records, they were also called Fratres Militie Templi Solomonij. Mon. Angl. 2 par. fol. 554. b.

**Tempozalties of Bishops** (*Temporalia Episcoporum*) Are such Revenues, Lands, Tenements, and Lay-Fees, as have been laid to Bishops Sees, by Kings, and other great Personages of this Land, from time to time, as they are Barons of Parliament. See *Spiritualties of Bishops*.

**Tempus pinguedinis & firmationis**. — Et sciendum quod Tempus pinguedinis hic computatur

computatur inter Festum Beati Petri ad Vincula & Exaltationem Sanctæ Crucis: Et Tempus firmationis inter Festum S. Martini & Purificationem Beate Mariæ. MS. Penes Gul. Dugdale Arm. de Temp. Hen. 3. The first is the season of the Buck, the latter of the Doe. See *Fermisoma*.

**Tenancies** (Anno 23 Eliz. cap. 4.) Are Houses for Habitation, Tenements, or places to live in, held of another.

**E**dwardus illustris Regis Angliæ primo genitus omnibus, &c. Salutem & amorem. Sciatis quod dedimus & assignavimus in Tenenciam dilecto & fideli nostro Yvoni Pauntun omnes terras cum suis iuribus & pertin. quæ fuerunt Hugonis Bedelli inimici nostri in Villa de Alhele. Tenendas ad nostre beneplacitum voluntatis, nisi aliquis qui nobiscum personaliter interfuit in conspectu apud Evesham, quarto die Augusti, manus prius posuerit ad easdem. Et ideo vobis mandamus, &c. Dat. Cestrie 14 Augusti, Anno Regni Domini Regis Patris nostri 49.

**Tend**, Seems to signifie as much as to endeavor, offer, or shew forth; as to tend the estate of the party of the Demandant. *Old Nat. Br.* fol. 123. b. To tend an Averment. *Britton*, cap. 76.

**Tender** (Fr. Tendre) Signifies carefully to offer, or circumpectly to endeavor the performance of any thing belonging to us; as to tender Rent, is to offer it at the time and place, where and when it ought to be paid. To tender his Law of Non Summons (*Kitchin*, fol. 197.) is to offer himself ready to make his Law, whereby to prove, that he was not summoned. See *Law*, see *Make*.

**Tenementis Legatis**, Is a Writ that lies to London, or other Corporation, (where the Custom is, that Men may demise Tenements, as well as Goods and Chattels by their Last Will) for the hearing any Controverfie touching the same, and for rectifying the wrong. *Reg. of Writs*, fol. 244. b.

**Tenant or Tenant (Tenens)**. Signifies him that holds or possesseth Lands or Tenements by any kinde of Right, be it in Fee, for Life, Years, or at Will. *Tenant in Dower*, is she that possesseth Land by virtue of her Dower. *Kitchin*, fol. 160. *Tenant by Statute Merchant*, that holds Land by virtue of a Statute forfeited to him. *Tenant in Franc-marriage* (*Idem*, fol. 158.) that holds Land by virtue of a Gift thereof, made to him upon marriage. *Tenant by the Curtesy*, that holds for his life, by reason of a Child born alive, and begotten by him of his Wife, being an Inheriatrix. *Tenant per Elegit*, that holds by virtue of the Writ *Elegit*. *Tenant in Mortgage*, that holds by virtue of a Mortgage. *Tenant by the Vergé* in Ancient Demesne (*Kitchin*, fol. 81.) is he that is admitted by the Rael in a Court of Ancient Demesne. *Tenant by Copy of Court Roll*, is one admitted Tenant of any Lands, &c. within a Mannor, which time out of minde have been demisable,

according to the Custom of the Mannor. *West*, Par. 1. *Symbol. lib. 2. sect. 646*. *Tenant by Charter*, is he that holds by Feoffment, or other Deed in Writing. *Very Tenant*, that holds immediately of his Lord; for if there be Lord, Mesn, and Tenant, the Tenant is *Very Tenant* to the Mesn, and not to the Lord above. *Kitchin*, fol. 99. *Tenant Paravail*, see *Paravail*. *Joynt-tenants*, that have equal Right in Lands, by virtue of one Title. *Littl. lib. 3. cap. 3*. *Tenants in Common*, that have equal right, but hold by divers Titles. *Particular Tenant*, *Stamf. Prærog.* fol. 13. is he who holds onely for his term. See *Coke* in *Sir Will. Pelbams Case*, *Lib. 1. fol. 15*. called also *Tenior for Life or Years*. See *Plowden*, *Casu*, *Colthirst*, fol. 23. b. *Sole Tenant*, *Kitchin*, fol. 134. he that hath no other joynted with him. *Several Tenant* is opposit to *Joynt-tenant* or *Tenant in Common*. *Tenant at Praecept*, is he against whom the Writ *Praecept* is brought. *Coke*, lib. 3. *Case of Fines*, fol. 83. *Tenant in Demesne* (Anno 13 Edw. 1. cap. 9.) is he that holds the Demesne of a Mannor for a Rent without Service. *Tenant in Service* (An. 20 Edw. 1. stat. 1.) is he that holds by Service. See *Britton*, cap. 39 & 96. *Tenant by Execution* (Anno 32 Hen. 8. cap. 5.) is he that holds Land by virtue of an Execution upon any Statute, Recognizance, &c. *Tenant in Fee-simple* (*Kitchin*, fol. 150.) *Tenant in Fee-tail*. *Tenant at the Will of the Lord*, according to the Custom of the Mannor. *Tenant at Will* by the Common Law. *Idem*, fol. 165. *Tenant upon Sufferance*. *Tenant of Estate of Inheritance*. *Stamf. Prærog.* fol. 6. *Tenant in Burgage*. *Tenant in Socage*. *Tenant in Frank-fee*, &c. with divers others.

**Tenement (Tenementum)** Signifies most properly a House or Homestall, but in a larger sense it is taken, either for House or Land that a Man holds of another; and joynted with the Adjective *Frank*, it contains generally Lands, Houses, or Offices, wherein we have Estate for Life, or in Fee. For *Kitchin*, fol. 41. makes *Frank-tenement*, and base Estate, opposit; and in the same sense *Britton* uses it, *Chap. 27*.

**Tenhebed** (Sax. tienheopob, i. Decem habens capita) Decanus, Decemvir, caput vel princeps Decanie sive decurie. LL. Edw. Confess. cap. 29. Statuerunt Justiciarios super quoscunque decem friborgos, quos Decanos possimus appellare; Anglice vero tienheopob dicitur.

**Tenentibus in Africa non onerandis**, &c. Is a Writ that lies for him to whom a Disfeisor hath alienated the Land, whereof he disseised another; that he be not molested for the damages Awarded, if the Disfeisor have wherewith to satisfie them himself. *Reg. of Writs*, fol. 214. b.

**Tenimantale** (Sax. tienmantale, i. Sermo decem hominum, vel decemvirorum numerus) Decuria, Tithinga. LL. Edw. Conf. cap. 20. — Et sint quieti de Goldis, & Dancgeldis, & Themantale, & Concelationibus, & Scottis, &c. Carr. Rrr 29 Edw



29 Edw. 1. n. 25. Abbat. de Thornton. See *Fri-  
burgh*.

**Tenore inditamenti mittendo**, Is a Writ whereby the Record of an *Inditement*, and the Process thereupon is call'd out of another Court into the Chancery. Reg. of Writs, fo. 169. a.

**Tenth**, (*Decima*) Is that yearly portion or Tribute, which all Livings Ecclesiastical yield to the King: For, though the Bishop of Rome does originally pretend right to this Revenue, by example of the High-Priest among the Jews, who had Tenth from the Levites. Numb. ca. 8. Hieron. in Ezech. yet we read in our *Chronicles*, that these were often granted to the King by the Pope, upon divers occasions, sometimes for one year, sometimes for more, until, by the Statute 26 Hen. 8. ca. 3. they were annexed perpetually to the Crown. See *Dijms*. It signifies also a Tax levied of the Temporality. 4 Inst. fo. 34.

**Tentor**, A stretcher, tryer or prover, which Dyers and Clothiers used, Anno 1 Rich. 3. ca. 8. But prohibited by the Stat. 39 Eliz. ca. 20.

**Tenure**, (*Tenura*) Is the manner whereby Tenants hold Lands and Tenements of their Lords. What makes a *Tenure*, and what not, see *Perkins Reservations* 70, where you shall find most of those *Tenures* recited, which are now in England. See *Cromptons Jurisd.* fo. 200. New Book of *Entries*, verbo *Tenure*. Mr. Fabian Philips Book, entitled, *Tenenda non Tollenda*, and the Stat. 12 Car. 2. ca. 24. The Family of *Barubams* hold the Mannor of *Nether Bislington* in the County of *Hert*, by this *tenure*; to carry the last Dish of the second Course to the Kings Table at His Coronation, and presenting Him with three *Maple-cups*, which was performed at the Coronation of King *Charles the Second*.

**Term**, (*Terminus*) Signifies commonly the bounds and limitation of time; as a Lease for term of Life or Years. *Bracton*, lib. 2. ca. 6. nu. 4. But most notoriously it is used for that time, wherein the Tribunals or places of Judgment are open for all that list to complain of wrong; or to seek their right by course of Law or Action. The rest of the year is called *Vacation*. Of these *Terms* there are four in every year, during which time matters of Justice are dispatch'd. One is *Hilary Term*, which begins the 23d of *January*, or, if that be Sunday, the next day following, and ends the twelfth of *February*: The next is *Easter Term*, which begins the Wednesday fortnight after *Easter-day*, and ends the Monday next after *Ascension-day*. The third is *Trinity Term*, beginning the Friday next after *Trinity-Sunday*, and ending the Wednesday fortnight after. The fourth is *Michaelmas Term*, which anciently began the ninth of *October*, but (by Stat. 17 Car. 1. ca. 6.) contracted to the 23d of *October*, and ending the 23th of *November*. *Termini apud nos dicuntur ex re anni partitione agenda libris designata*. See *Spel. de origine & ratione Terminorum forensium*.

**Termonland**, Seems to be the Glebe-land, or Land of the Church; anciently so call'd.

**Termoz**, (*Tenens ex termino*) Is he that holds for term of years, or life. *Kitchin*, fo. 151. List. fo. 100.

**Terra Gillofzata**, Land held by the Tenant of paying a Gilly-flower, MS.

**Terra estendenda**, Is a Writ directed to the Escheator, &c. willing him to enquire and find out the true yearly value of any Land, &c. by the Oath of twelve Men, and to certify the Extent into the Chancery, &c. Reg. of Writs, fo. 293. b.

**Terra frusca**. — *Continent xl. acras terra frusca, pastura*, &c. Mon. Angl. 2 Par. fo. 327. b. Fresh-land, or such as hath not been lately plowed. This is elsewhere written *Terra friska*.

**Terra noba**. *Sape legitur in Chartis feudilibus & inensualibus scholulis, vel pro terra noviter concessa, vel noviter assarta*. Prior. Lew. pa. 1. — *Reddat pro nova terra 2 sol. 4 den.*

**Terra bestita**, Is used in ancient Charters, for Land sown with Corn.

**Terra fabulosa**, (*Lat.*) Gravelly, or gross-sandy land. — *Et prædicta xxviii acras terra xli lent per ann. xlii sol. & 10 denar. & non plus, quia est terra fabulosa*. Inq. 10 Ed. 3. u. 3. Norf. in Turr. Lond.

**Terra puturata**. See *Putura*.

**Terra lucrabilis**. — *Iam in Mora, quam in terra lucrabili & Muris, cum omnibus piscariis suis*. Mon. Angl. 1 Par. fo. 426. a. Land that may be gained from the Sea, or inclosed out of a Watt, to particular use.

**Terra exultabilis**. — *Totam illam terram exultabilem, quam habuit apud Norwicum in Campis*. Mon. Angl. 1 Par. fo. 426. b. Land that may be till'd or plow'd.

**Terra culta**, Land that is Till'd, or manured; and *terra inculta*, the contrary, see *Wacnoth*.

**Terrage**, (*Terragium*) Edward the Third granted by Patent to John of Gaunt and Blanche his Lady, for their live; — *quod sint quicunque de Theolonia, Savagio, Passagio, Lastagio, Lallagio, Carvagio, Prifagio, Pickagio & Terragio*; which seems to be an exemption, a *Præcarium*, viz. Boons of Plowing, Reaping, &c. and perhaps from all Land-Taxes.

**Terrar**, (*Terrarium, vel Catalogus terrarum*) Is a Book, Survey, or Land-Roll, wherein the several Lands, either of a single person, or of a Town are described; containing the quantity of Acres, boundaries, Tenants names, and such like, Anno 18 Eliz. ca. 17. In the Exchequer there is a *Terrar* of all the Glebe-lands in England made about 11 Edw. 3.

**Terris, bonis & catallis rehavendis per purgationem**, Is a Writ that lies for a Client, to recover his Lands, Goods, or Chattels formerly seized on, after he has clear'd himself of that Felony, upon suspicion whereof he was formerly convict, and deliver'd to his Ordinary to be purg'd. Reg. of Writs, fo. 68. b.

**Terris**

**Terris liberandis**, Is a Writ, that lies for a Man convicted by attain, to bring the Record and Process before the King, and to take a Fine for his Imprisonment, and to deliver him his lands and Tenements again, and to release him of the Strip and Waste. Reg. of Writs, fo. 232. a.

**Terris & catallis tentis ultra debitum lebatum**, Is a Writ Judicial, for the restoring Lands or Goods to a Debtor that is distrained above the quantity of the Debt. Reg. Jud. fo. 38. b.

**Terre tenant**, (*Terra tenens*) Is he who has the natural and actual possession of the Land, which we otherwise call the *Occupation*, Anno 39 Eliz. ca. 7. For example, a Lord of a Mannor has a Freeholder, who lets out his free-land to another, this other (having the actual possession) is called the *Terre-tenant*. West. Par. 2. Symb. tit. Fines, Sect. 137. Crompt. Jurisd. fo. 194. Britton, ca. 29. Perkins Fcoffments, 231.

**Ters**. See *Tierce*.

**Tertian**, A Measure, containing fourscore and four Gallons. Anno 1 Rich. 3. ca. 13. & 2 Hen. 6. ca. 11. So called, because it is the third part of a Tun.

**Tertium denarium**. See *Third-peny*.

**Testament**, (*Testamentum*) What it is in the common signification see in *Will*. It was anciently used (according to *Spelman*) *pro Scripto, charta vel instrumento, quo pradiorum rerumve aliarum transactiones perscruntur: sic dictum quod de ea re vel testimonium ferret, vel testium nomina contineret*. — *si quis contra hoc mea auctoritate Testamentum aliquod machinari impedimentum præsumpserit, &c.* Charta fundationis Croylandæ ab Æthelbaldo Rege, Anno Dom. 716.

**Testator**, (*Lat.*) He that makes a *Testament*. See *Swinborn of Wills and Testaments*, and see *Will*.

**Testatum**, Is a Writ, in personal Actions; As if the Defendant cannot be arrested upon a *Capias* in the County where the Action is laid, but is returned *non est inventus* by the Sheriff; This Writ shall be sent out into any other County, where such person is thought to have whence to satisfie; which is termed a *Testatum*; because the Sheriff has formerly testified, that the Defendant was not to be found in his Balywic. See *Kitchins return of Writs*, fo. 287. b.

**Teste**, Is a word commonly used in the last part of every Writ, wherein the date is contained, which begins with these words, *Teste me ipso*, &c. if it be an original Writ, or if judicial, *Teste Johanne Keeling Milite* or *Johanne Vaughan Mil.* according to the Court, whence it comes. Yet we read in *Glanville*, (lib. 1. ca. 6. & 13. & lib. 2. ca. 4.) The last Clause of an Original Writ to be *Teste Radulpho de Glanvilla apud Clarendon, &c.* and divers times in the Reg. of Writs, *Teste Custode Angliæ*, as namely in the Title *Prohibition*, fo. 42. a. & *Consultation*, fo. 54. b.

**Testimonial**, (*Anno 39 Eliz. 17.*) Is a Certificate under the hand of a Justice of Peace,

testifying the place and time, when and where a Soldier or Mariner landed, and the place of his dwelling and birth, unto which he is to pass, &c. or such like, 3 Inst. fo. 85.

**Tetton**, (*Anno 2 & 3 Ed. 6. ca. 17.*) A fort or Money, which, among the French, did bear the value of 18 Denar. and so perhaps formerly in England; but, in *Henry the Eighth* time, being made of Brass, lightly gilt with Silver, it was reduced to 12 d, and, in the beginning of *Edward the Sixth* to 9 d, afterwards to 6 d.

**Thack-tile**, (*Anno 17 Edw. 4. ca. 4.* otherwise called *Plain-tile*, which are laid on the side of a House.

**Thanaage of the King**, (*Thanagium Regis*) Signify'd a certain part of the Kings Lands, or Property, whereof the Ruler or Governor was called *Thane*. *Domania Regis*, and *Thanagia idem significant*, Sayes Skene.

**Thane**, or **Thepn** (*Thanus*, from th' Saxon *þegen*.) Signifies sometimes a Nobleman, sometimes a Free-man, sometimes a Magistrate, but more properly an Officer, or Minister of the King. This appellation was in use among us after the Norman Conquest, as appears by *Doineclay*, and by a certain Writ of *William the First*. *Willielmus Rex salutet Heymannum Episcopum & Stewinum & Britwi & omnes Thanos meos in Dorsetensi pago amicaliter*. MS. de *Abbotsbury*. Skene says it is the name of a Dignity, equal with that of the Son of an Earl. *Camden* says, They were enabled only by the Office which they administered. See *Mills*, de *Nobilitate*, fo. 132.

**Theft**, (*Furtum*) Is an unlawful Felonious taking away another mans moveable and portable Goods against the owners will, with an intent to Steal them; which is divided into *Theft*, simply so called; and, *petit Theft*, whereof the one is of Goods above the value of 12 d, and is Felony, the other under that value, and is no Felony, but called *petit Larceny*. See *Larceny* and *Felony*. *Theft* from the person, or in the presence of the owner, is properly called *Robbery*. See *West*, Part 2. Symb. tit. *Inditements*, Sect. 58, 59, 60.

**Theftbote**, (*Sax. þofter, i. Furtum & Bote, compensatio*) est quant homo prist chattel de Larcene de luy saveuer & maintenir & nemy autrement. 42 Affis, pa. 5. the receiving goods from a Thief, to the end to favour and maintain him, the punishment whereof is ransom and imprisonment, and not loss of life or Member. *Stamf. Pl. Cor. lib. 1. ca. 43.* *Antique dicebatur precium quo furti reus se excimeret a dispendio vite; hodie vero de in dicitur qui furtiva bona a latrone suscepit, sceleris sui fovendi gratia, quo sensu Bote pro praeda, ut alias solet intelligendum est.* In *Privilegiis chartis ubi Theftbote conceditur*, intelligitur alias esse emenda furti sine consideratione Curie Domini Regis. **Theftbote**, (inquit *Statutum Wallie*. Anno 12 Ed. 1. — hoc est, emenda furti, sine consideratione Curie Domini Regis. Spel. And see 3 Inst. fo. 134.

**Thelonium**

**Thelonium**, or **Bebe** essendi quietum de **Thelonio**. Is a Writ lying for the Citizens of any City, or Burghesses of any Town, that have a Charter or Prescription to free them from Toll, against the Officers of any Town or Market, who would constrain them to pay Toll of their Merchandise, contrary to their said Grant or Prescription. *Fitz. Nat. Br. fol. 226.*

**Thelonio rationabili habendo pzo Domini** habentibus **Dominica Regis ad Firmam**. Is a Writ that lies for him that hath of the Kings Demefn in Fee-farm, to recover reasonable Toll of the Kings Tenants there, if his Demefn have been accustomed to be tolled. *Reg. of Writs, fol. 83. b.*

**Them**. See **Team**.

**Then**, Significat servum. *Fleta, lib. 1. cap. 47.*

**Thenecium**. — **Quod Prædicti Parochiani** — **Decimas inferius Annotatas Ecclesiis suis** persolvent, scil. Decimam lactis, ovorum, The necii agrorum, apum, mellis, &c. *Const. Rob. Winchelsey Archiep. Cant. tit. de Decimis. Ibi Lindewode Thenecii agrorum, i. Arborum crescentium circa agros, pro clausura eorum. Vulgarly called Hedgerows or Dikerows.*

**Thetoe**. Georgius Grey Comes Cantii clamat, in *Maner. de Bushton & Ayton*, punire Delinquentes contra *Affsam panis & cervisia* per tres vices per *Amerciamenta*, & quarta vice pisces per *Pilloriam*, Braciatores per *Tumbrel-lum*, & Rixatores per **Thetoe**, hoc est ponere eas super scabellum vocat. a **Cuchingwole**. *Pl. in Itin. apud Cestriam, 14 Hen. 7.* Perhaps from the Sax. *þeop*, a Slave or Captive.

**Thingus** (*Thanus*) A Nobleman, a Knight, or Freeman. *Sciatis me concessisse omnibus militibus & omnibus Thingis & omnibus libere tenentibus, qui manent in Foresta mea de Honore de Lancaster, quod possunt, &c. Crompt. Jur. fol. 197.*

**Thirdbzelo**, Is used for a Constable, *Anno 28 Hen. 8. cap. 10.* which seems to be corruptly used for the Sax. *þreobopz*, i. Ingenius fidejussor. *Lambert in his Duty of Constables, pag. 6.*

**Thirdings**. The third part of the Corn or Grain growing on the Ground at the Tenants death, due to the Lord for a Heriot within a certain Mannor, and Lands belonging to the Chappel of *Turfat in Com. Heref.*

**Third night-abon-þynde** (*Trium noctium hospes*) By the Laws of *S. Edw. (cap. de Hospitibus)* if any guest lay a third night in an Inn, he was accounted a Domestick, and his Host was answerable for what offence he should commit. **Foeman night uncuth**. **Twa night guette**. **Third night abon þynde**, i. Prima nocte incognitus, secunda hospes, tertia domesticus censetur. *Bracton, (lib. 3. tract. 2. cap. 101 num. 2.)* writes it **Hogheneþhne pro Agen-þhne**.

**I**tem utitur, quod si extranei morantur in Burgo prædicto ultra tres dies, inveniunt fidejussores de bene gerendo se erga Burghenses &

*Communitatem, dum moram inter ipsos fecerint. MS. Codex de LL. Statutis & Consuetud. liberi Burgi villæ Mountgomer. fol. 26. b. See Uncuth.*

**Third-penz**, **Denarius tertius** est ea pars multarum forensiumque molumentum, quæ in comitatu olim cedebat Comitibus, Rege alias duas percipiente. *LL. Edw. Conf. cap. 31.* Rex habebit 100 solidos & Consul Comitatus 50. qui tertium habebit Denarium de forisfacturis, &c. And was anciently so fixed and appropriate to an Earldom, as the Earldom of Oxford, in the Reign of King Henry the Second, passed by the Grant of **Tertium Denarium Comitatus Oxon.** ut fit inde Comes. de quo vide *Seldens Titles of Honor.*

**Thokes** (*Anno 22 Edw. 4. cap. 2.*) **Thokes** or Fish with broken Bellies; are not by the said Statute to be mixt or packed with **Talefish**.

**Thol** (*Thollonium*) Est libertas emendi & vendendi in terra sua. *Arch. Lamb. fol. 132.*

**Thol**, i. **Quod Prior habet in Mercato suo die Luna** quandam mensuram de bladis venditis, & quoddam certum de animalibus & ceteris similibus venditis. *Reg. Priorat. Cokerford. See Toll.*

**Thorough Toll**. — **Brough in Yorkshire**, a little Village, where in times past the Earls of Richmond had a pretty Castle, and a certain Custom called **Thorough Toll** (says Camden.) *See Toll.*

**Thabe of Cogn** (from the Sax. *þhceap*, i. a Bundle, or the British *þweta*, i. Twenty four) Is in most parts of England Twenty four Sheaves, or four **Shocks**, six Sheaves to the Shock. *Anno 2 Hen. 6. cap. 2.* Yet in some Counties they count but Twelve Sheaves to the Thrave. As in the Case of the Burghesses of Derby. — *Hi autem ad Festum Sancti Martini reddebant Regi duodecim Trabes annone. Domest. de Burghensibus Derby. See Peter-Corne.*

**Thrimta** (from the Sax. *þhþim*, quod ternos significat) Signified of old a piece of Money of Three shillings, according to *Lambert*, or rather (according to *Selden*) the third part of a shilling. *Tit. Of Honor, fol. 604. See Were-gild.*

**Thritbing** (*Thritbingum*) In the Statute of *Merton*, signifies a Court which consists of three or four Hundreds. *Cokes 2 Part. Instit. fol. 99.*

**Thrower**. See **Silksbrower**.

**Thwertnik** — **Edwardus, &c.** — **Con-**cessimus etiam, quod **Viccomes** noster aut heredes nostrorum, qui pro tempore fuerit in dicto Comitatu, de cetero faciat executiones pro debitis recuperatis & recognitis in Comitatu vel Scaccario Cestrie, aut in itinere Jusficiariorum, qui pro tempore fuerit, absque aliquo capiendi pro executione hujusmodi faciendâ, licet etiam præteritis temporibus usur sit, prout per cartam habet ipsa Communitas (scil. Cestrie) quod si aliquis in Curia nostra culpatus fuerit, per **Thwertnik** se defendere possit; quia hæc defensio est contra-

ria legi Communi, nutritæ malorum, pacis emula & damnosa populo pacifico. Volumus etiam de consensu & requisitione dictæ Communitatis, Ordinamus & precipimus, quod dicta defensio per **Thwertnik** de cetero non allocetur, sed annuletur totaliter & damnetur, &c. *Rot. Cart. de Anno 11, 12 & 13 Regis Ric. 2. num. 11. per Inspex.*

**Tithemen** (*Anno 14 Car. 2. cap. 11.*) Are certain Officers that belong to the Custom-house, and are appointed to watch, or attend upon Ships till the Custom of the freight be paid; and they are so called, because they go aboard the Ships at their arrival in the Mouth of *Thames*, and come up with the Tide.

**Tierce** (*Fr. Tiers, i. A Third, or third part*) A measure of liquid things, as Wine, Oyl, &c. containing the third part of a Pipe, or forty two Gallons. *Anno 32 Hen. 8. cap. 14.*

**Tigh or Teage** (*Sax. Teag*) A Close or Enclosure, a Croft. In veteri Charta Ecclesiæ Cantuar. Clausula. — *Manfionem quoque quæ est in aquilonali parte Doroberniæ & clausulam quam Angli dicunt Teage, quæ pertinet ad prædictam manfionem, &c.* The word Tigh is still used in Kent in the same sense.

**Timber of Skins**, Is forty Skins. De quilibet Tymber de *Fitchens* venat. ob. *Pat. 10 Ric. 2. pars 1. m. 30.* Hæc civitas (sc. Cestrie) tunc reddebat de firma 45 libras & tres **Timbres** pellium Martinarum. *LL. Ed. Conf.*

**Timberlode** (*Sax. Timþelode*) *Servitutis genus, quo vassallus obligatur materiam sive lignum de sylva, ubi præsternitur, ad Domini sui Domum deferre.* *Gloss. in x. Scriptores.*

**Tineman** or **Tienman**, Was of old a Petty Officer in the Forest, who had the Nocturnal care of Vert and Venison, and other ferule employments. *Constitution. Forestæ Cantu Regis, cap. 4.*

**Tiptaff** (*Saio, Sax. þafo*, i. Fustis, Baculus) Is one of the Warden of the Fleets men, that attends the Kings Courts with a Painted Staff, for the taking such to Ward as are committed by the Court, and to attend such Prisoners as go at large by Licence. These are otherwise called **Bafons**. *Anno 1 Ric. 2. cap. 12. and 5 Eliz. cap. 23.*

**Tithes** (*Decima*, from the Saxon *Teoþa*, i. The Tenth) Are the Tenth part of all Fruits *Prædial*, *Personal*, and *Mixt*, which are due to God, and consequently to his Churches Ministers, for their maintenance. *Levit. 27, 30.* Omnium bonorum licite questorum quota pars deo, Divina constitutione, debita.

**Pasche, 1 Jac. Rot. 1119.**  
in Communi Banco.

It was resolved,

**Q**uod Decimarum tres sunt species, quædam Personales, quæ debentur ex opere personali, ut *Artificio, Scientia, Militia, Negotiatione, &c.* Quædam *Prædiales*, quæ pro-

veniant ex prædiis, i. Ex fructibus prædiorum, ut *Blada, vinum, senum, linum, cannabum, &c.* seu ex fructibus arborum, ut *Poma, Pyra, Pruna, Volema, Cerasa, & fructus hortorum, &c.* quædam *Mixtæ*, ut de *Cafco, lacte, &c.* aut ex fœtibus animalium, quæ sunt in pascuis, & gregatim pascuntur, ut in *Agnis, Viulis, Hædis, Capreolis, Pullis, &c.* Ex *Prædialibus* sunt quædam *Majores*, quædam *Minutæ*. *Majores*, ut *frumentum, siligo, zizania, senum, &c.* *Minores* sive *Minutæ*, quidam dicunt, sunt qui proveniunt ex *menta, aneto, oleibus, & similibus* juxta illud dictum Domini, *Luc. 11. 42.* Væ, qui *Decimatis mentam & rutam, &c.* Alii dicunt, quod in Anglia consistunt *Decimæ minutæ* in *lino, quæ sunt Prædiales, & Lana, lacte, caseis & in Decimis animalium, agnæ, pulli, & ovibus; Decimæ etiam mellis & cere* numerantur inter *Minutæ*, quæ sunt *Mixtæ*. Vide *Lindwood cap. de Decimis.*

**Laymen** (in these later times) taking small occasions to withdraw their Tithes, (as *Sir Edward Coke* observas, 2 *Inst. fol. 648.*) the Statutes of 27 *Hen. 8. cap. 20.* — 32 *Edw. 6. cap. 7.* and 2 *Edw. 6. cap. 13.* were made to enforce the payment thereof; which former times required not, when more was often given, then was either due or demanded, as appears by these, and many other Recorded Donations.

**E**go **Williclmus** de **Braofa** do & concedo Ecclesiæ Sanctæ Mariæ de **Bergavenny** & **Monachis** ibidem Deo servientibus, omnem *Decimam de Castello* de **Bergavenny**, sc. *De Panis, de Vino, de Cerevisia, & Sifera, & de omni genere potus, de carnibus, de piscibus, de sale, de melle, de cera, de sero, & omni expensa generaliter, tam parva quam Magna* *Castelli jam prædicti, de Denariis quovomodo adquisitis & habitis, de placitis, de auxiliis, de prisonibus, de bobus, de vaccis, de porcis, de ovibus, de capris, de equis, & de omnibus rebus, & de omni eventu quovomodo evenierit jam dicto Castello.* *Mon. Angl. 1 par. fol. 558. a.* Et *Decimas omnium proveniuntium Placitorum, Tolnetorum, Donorum, Lucrorum & reddituum meorum, & totius panis & potus expensæ de Castello Brechonia & de Haya.* *Carta Rogeri Comitis Herefordiæ. Sine Dat.*

And anciently many Men were so scrupulously careful in their payment of Tithes, as they at their Death bequeathed a **Soul treat** or **Soot** to their Parish Priest, in lieu of any Tithes forgotten; and at their Funerals caused their best Ox or Horse to be led with the Corps, and, as a Mortuary or Oblation, given to the Priest, in recompence of any Tithes which might be forgotten.

**Tithing** or **Tritbing** (*Tithingum*, from the Saxon *Teopunze*, which signifies *Decuriam*) Is the number or company of ten men with their Families, cast or knit together in a Society, all being bound to the King for the peaceable behavior of each other. Of these companies there

was one cheif person, who of his office was called **Leothung-man**, at this day in the West parts **Tithingman**, but now he is nothing but a Constable; for that old discipline of **Tithings** is left long since. **Tithing** is also used for a Court. *Mag. Char. cap. 25. and Merton, cap. 10. See Cheif-Pledge, Frank-Pledge, Deconner, and Tithing.*

**Tithing-penny**, alias **Tith-penny**, alias **Lebthing-penny**. — *Et sint quieti de Thething-penny, Tympenny, & de omnibus forisfactis quacunque occasione emergerunt, &c. In Mein. Scac. de Anno 20 Edw. 3. Trin. Rot. 3. Abbati & Monachis Radin.* **Tithing-penny**, hoc est quieti de Tallagio Decennae sive Tithing per consuetudinem. MS. in Bibl. Cotton sub tit. Vitellius. C. 9. fol. 221. b.

**Tob of Wool**, Contains twenty eight pounds, or two Stone; Mentioned in the Stat. 12 Car. 2. cap. 32. It comes from the Fr. *Toilet*, a Wrapper, within which, by usage, two Stone of Wool is folded. 3 Inst. fol. 96.

**Toft** (*Toftum*) A Messuage or place where a Messuage hath stood, but is decayed; a word much used in *Fines*. *West, par. 2. Symbol. tit. Fines, sect. 26. — Capitale Toftum & Croftum quod fuit Walteri Paris sui. Carta Petri de Brus in Bibl. Cotton. Scites & Tofts. Anno 22 Car. 2. cap. 11.*

**Toftman** (*Toftmannus*) The owner or possessor of a Toft. *Toftmanni similiter operabantur a Sancto Michaelis usque ad autumpnum, & in autumno per 6 hebdomadas, unaquaque hebdomada per 2 dies, &c. Pri. Lew. pag. 18. See Molman.*

**Tol** (*Tollere*) As it is a Verb, signifies to defeat or take away. *Anno 8 Hen. 6. cap. 9. As to Tol the Entry, i. To take away the right of Entry.*

**Toll** (*Tolmetum vel Theolonium*) Is a Saxon word, and hath two significations. First, It is used for a liberty to buy and sell within the Precincts of a Mannor: Secondly, For a Tribute or Custom paid for Passage, Buying, Selling, &c. *Braillon, lib. 2. cap. 24. num. 3. interprets it to be a Liberty as well to take, as to be Free from Toll* (for they who are enfranchised with Toll are Custom-free, says Skene) *Toll hoc est, quod vos & homines vestri de toto Homagio vestro sint quieti de omnibus mercatis & de Tollneto de omnibus rebus emptis & venditis.* Of this freedom from Toll, the City of Coventry boasts of an ancient Charter, granted by *Leofric* (or *Luricke*) *Merciorum Comes*, who at the importunity of *Godewa*, his vertuous Lady, granted this Freedom to that City; and in *Richard* the Seconds time (according to Mr. *Dugdale* in his Description of *Warwickshire*) the Picture of him and his Lady was set up in the South-Window of *Trinity Church* there, holding in his right hand a Charter, with these words written thereon.

I Luriche for the lobe of the,  
Do make Coventry Toll-free.

Some Authors make mention of *Toll-through*, which is Money paid for passage in, or through some High-ways, or over Ferries, Bridges, &c. *Toll-travers*, for passing over a private Mans Ground; and *Toll-turn*, which is Toll paid at the return of Beasts from Fair or Market, though they were not sold. *Plowden, Casu Wil. lion. fol. 236. Kitchen, fol. 104.* By the ancient Law of this Land, the Buyers of Corn or Cattle, in Fairs or Markets ought to pay Toll to the Lord of the Market, in testimony of the Contract there lawfully made in open Market, because privy Contracts were held unlawful. *Horns Mirror, lib. 1.*

**Tollage** (*Anno 17 Car. 1. cap. 15.*) See *Tallage*.

**Tolfeffer**. — *Per Tolfeffer, clamat esse quiet. de reddend. unum Sextarium Cervisia quod continet xvi. Lagenas, de nova cervisia mensurata, desubtus le Shakelif pro licentia braciandis cervis. per totum annum. Ex Rol. Plac. in Itin. apud Cestriam, 14 Hen. 7.* The same word occurs in *Carta 55 Hen. 3. m. 6. See Gavelfeffer.*

**Tolt** (*Tolta*) Is a Writ, whereby a Cause, depending in a Court Baron, is removed to the County Court, and so called because it does *Tollere loquelam*, from the one Court to the other. *Preface to Cokes 3 Rep. Plac. Coram Rege Pasce. 22 Edw. 1. Rot. 18.* *Tolta placiti significat processum per quem causa a jurisdictione juris temporalis tollitur.*

**Toltrap** — *Venditio salis, que debet solvi i. Bushel & dimid. salis per mensuram 4 d. MS. de Temp. Edw. 1.*

**Tonne**. See *Tun*.

**Tozt** (*Fr.*) Injustice, injury. As, *De son tort meisme*, in his own wrong. *Crokes Rep. Whites Case, fol. 20.* Wrong or injury is properly called *Tort*, because it is wrested or crooked: *Coke on Littl. fol. 158. b.*

**Toztfealoz** (*Fr. Tort faiseur*) A Doer of wrong, a Trespasser. *Croke 2 part, fol. 383. num. 11.*

**Toties quoties** (*Anno 19 Car. 2. cap. 4.*) As often as.

**Totted**, A good debt to the King, is by the Foreign Apposer, or other Officer in the Exchequer, noted for such, by writing this word tot to it. *Anno 42 Edw. 3. cap. 9. and 1 Edw. 6. cap. 15. See Practice of the Exchequer, pag. 71.*

**Totteray**, Was a Customary payment of four pence for every Bushel and a half of Corn, sold at *Maldon* in *Essex*. *Hil 15 Edw. 1.*

**Tourn**. See *Turne*.

**Tout temps pris** & **uncoze est**, (*i.* Always ready, and is so at this present) Is a kinde of Plea in way of excuse, or defence for him that is sued for any Debt or Duty belonging to the Plaintiff. See *Brooks Abr. fol. 258.*

**Towage** (*Towagium, Fr. Touaige*) Is the towing or drawing a Ship or Barge along the Water by Men or Beasts on Land, or by another Ship or Boat fastned to her. Also, that Money or other recompence, which is given by

by Bargemen to the owner of the Ground, next a River where they tow a Barge, or other Vessel. The word may probably be derived from the Saxon *teon*; *Ducere, trahere*. — *Dominus Rex habeat & habere debeat Thowagium navium & batellorum majorum & minorum in aqua de Tyne, &c. Pla. Coram Rege & ejus Concil. Parl. 18 Edw. 1. in Turre London.*

**Traybaston**. See *Justices of Traybaston*, and see the Copies of several Commissions granted to them by *Edward* the First in *Spelmans Glossarium, verbo, Traybaston*. The common people in those days called them *Traybaston*, quod sonat, Trahe baculum. *Edward* the First in his Thirty second year (says Sir *Rich. Baker*) sends out a new Writ of Inquisition, called *Trailbaston*, against Intruders on other Mens Lands, who, to oppress the right owner, would make over their Lands to great Men; against Batterers hired to beat men, Breakers of Peace, Ravishers, Incendiaries, Murderers, Fighters, False Assisors, and other such Malefactors; which Inquisition was so strictly executed, and such Fines taken, that it brought in exceeding much Treasure to the King. *Chron. fol. 111. See Plac. Parliamentaria, fol. 211. & 280. and 4 Inst. 186.* And in a Parliament 1 Ric. 2. the Commons of England Petitioned the King, That no Commission of Eyre, or *Trayle Baston* might be issued, during the Wars, or for Twenty years to come. *Rot. Parl. 1 Ric. 2.*

**Traptoz** (*Traditor, Proditor.*) See *Treason*.

**Traitorous Position**, Of taking Arms by the Kings Authority against his person, and those that are commissioned by him; condemned by the Stat. 14 Car. 2. cap. 3.

**Transcript** (*Anno 34 & 35 Hen. 8. cap. 14.*) Is the Copy of any Original, written again or exemplified. As the Transcript of a Fine.

**Transcriptio Recognitionis factæ coram Justiciariis itinerantibus, &c.** Is a Writ for the certifying of a Recognizance into Chancery, taken before Justices in Eyre. *Reg. of Writs, fol. 152. b.*

**Transcriptio pedis fixis lebat mittendo in Cancellariam**, Is a Writ for the certifying the Foot of a Fine, levied before Justices in Eyre, &c. into the Chancery. *Reg. of Writs, fol. 169. and Reg. Judic. fol. 14.*

**Transgression**. Is a Writ, commonly called a Writ or Action of *Trespass*. Of which *Fitzherbert* hath two sorts; one, *Vicountiel*, so called, because it is directed to the Sheriff, and is not returnable, but to be determined in the County. The form whereof differs from the other, because it hath not these words *Quare vi & Armis, &c. Nat. Br. fol. 84. G.* The other is termed a *Writ of Trespass*, which is to be sued in the Common Pleas or Kings Bench. *Nat. Br. fol. 92. E.* See *Trespass*, and the divers uses of this Writ in the Table of Reg. of Writs & 2 Inst. fol. 419.

**Transire** (*Anno 14 Car. 2. cap. 11.*) I

used for a Custom-house Warrant, or Let-pais; from *transire*, to go forth, or let pass.

**Transitoz**, Is the opposite to *Local*. See *Local*.

**Tranterp**. So in some Mannors they call the Money arising by Amercements of Ale-sellers and Victuallers, for breaking the Aflise of Bread and Ale, as at *Luston*, and other Mannors in *Herefordshire*, especially those belonging to the *Bishopric* of *Hereford*. But why so called *Quare*.

**Trabers** (from the Fr. *Traverser*, *i.* *Transfigere*) Signifies sometimes to deny; sometimes to overthrow or undo a thing, or to put one to prove some matter, much used in answers to a Bill in Chancery; or it is that which the Defendant pleadeth, or saith in Bar to avoid the Plaintiffs Bill, either by contesting and avoiding, or by denying and traversing the material parts thereof: The formal words of which *Travers* are, in our French, *sans coe*, in Latin *absque hoc*, in English without that. See *Kitchin, fol. 227. & 240.* To *Travers* an Office is nothing else but to prove, That an Inquisition made of Goods or Lands by the Escheator, is defective and untruly made. So to *Travers* an Indictment, is to take issue upon the cheif matter, and to contradict or deny some point of it. As in a Presentment against *A.* for a High-way overthrow with Water, for default of scouring a Ditch, &c. *A.* may *Travers* either the matter, that there is no High-way there, or that the Ditch is sufficiently scoured; or otherwise he may *Travers* the Cause, *viz.* That he hath not the Land, or that he and they whose estate, &c. have not used to scour the Ditch. *Lamb. Eben. lib. 4. cap. 13. pag. 521, 522. See the New Book of Entries, verbo, Travers.*

**Treason** (*Fr. Trahison, i. Proditio*) Is divided into high and petit. *Anno 25 Edw. 3. stat. 3. cap. 4.* High-treason is defined to be an offence committed against the Security of the King or Commonwealth, whether it be by imagination, word, or deed; as to compass or imagin the death of the King, Queen, or Prince; or to dishonour the Kings Wife, or His eldest Daughter unmarried, or His eldest Sons Wife, or levy War against the King in His Realm, adhere to His enemies, counterfeit His Great Seal, Privy Seal, or Money; or wittingly to bring false Money into this Realm counterfeited like the Money of England, and utter the same: To kill the Kings Chancellor, Treasurer, Justices of either Bench, Justices in Eyre, of Assise, or of Oyer and Terminer, being in their place, doing their Office. (*An. 25 Edw. 3. cap. 2.*) Forging the Kings Seal-Manual or Privy Signet, Privy Seal, or Foreign Coyn current here (*Anno 2 Mar. cap. 6.*) or diminishing or impairing current Money (*5 Eliz. cap. 11. 14 Eliz. cap. 3. and 18 Eliz. cap. 1.* Or to say, the King is an Heretic or Papist, or that He intends to introduce Popery, &c. *Anno 13 Car. 2. cap. 1.* And many others, which you may read there, and in other places

places particularly expressed. In case of this Treason a Man shall be hanged, drawn, and quartered, and forfeit his Lands and Goods to the King, it is also called *Treason Paramount*. Anno 25 Edw. 3. cap. 2.

**Petit Treason**, Is when a Servant kills his Master, a Wife her Husband, or when a Secular or Religious Man kills his Prelate or Superior to whom he owes Faith and Obedience, and in how many other Cases *Petit Treason* may be committed. See *Crompt. Just. of Peace*. This kinde of Treason gives forfeiture of Escheats to every Lord within his own Fee. See *Bracton*, lib. 3. tra. 2. cap. 3. num. 1. & 2. There is also mention of *Accumulative Treason*, and *Constructive Treason*, in the Stat. 14 Car. 2. cap. 29.

**Treasure-trove**, (Fr. *Tresor-trouve*, i. Treasure-found) Signifies *vetereum depositionem pecunie*, *cujus non extat memoria, ut jam dominum non habeat*—And, though the Civil Law give it to the finder, according to the Law of Nature, yet, our Law gives it to the King by His Prerogative, or to some other, who claims by the Kings grant, or by prescription, as appears by *Bracton*, lib. 3. tra. 2. ca. 3. nu. 4. The punishment for concealing *Treasure found* is imprisonment and fine. But, if the owner may any wayes be known, then it does not belong to the Kings Prerogative. *Briton*, (ca. 17.) sayes, 'tis every Subjects part, as soon as he has found any *Treasure* in the earth, to make it known to the Coroners of the County, &c. See *Kitchin*, fo. 40. *Anno 1 & 2 Ph. & Mary*, ca. 15. This was anciently called *Fyndaringa*, of finding the Treasure. *LL. Hen. 1. ca. 11*. See 3 *Inst.* fo. 132.

**Treasurer**, (*Thesaurarius*) Is an Officer, to whom the *Treasure* of another is committed to be kept, and truly disposed of; The chief of these with us is the *Treasurer of England*, who is a Lord by his Office, and one of the greatest men of the Land; under whose Government is all the Princes Wealth contained in the Exchequer, as also the Check of all Officers any way employed in collecting Imposts, Tributes, or other Revenues belonging to the Crown, &c. *Smith de Repub. Angl. lib. 2. ca. 14*. See *Anno 20 Ed. 3. ca. 6*. and other Statutes relating to this Great Officer. There is also *Treasurer of the Kings Household*, who is also of the Privy-Council, and, in the absence of the Steward of the Kings household, has power, with the Controller and Steward of the Marshalsea, without Commission to hear and determine Treasons, Murders, &c. committed within the Kings Palace. *Stam. Pl. Cor. lib. 3. ca. 5*. There is also in the Statutes mention of *Treasurer of the Exchequer*, *Treasurer of the Navy*, *Treasurer of the Kings Chamber*, *Treasurer of the Kings Wardrobe*, *Treasurer of the Wars*, &c. And, in most Corporations throughout the Kingdom, have an Officer of this Name, who receives their Rents, and disburseth their common expences.

**Treat** (From the French *Traire*, i. Emulser) Signifies as much as taken out, or with-

drawn: As a Juror was challenged because he could not dispense 40 l. and therefore was treat by the Statute (*Old. Nat. Br. fo. 159.*) that is, removed or discharged.

**Trebuchet**, (*Turbicetum*) A Tumbrel, or Cockstole, 3 *Part. Inst. fo. 219*. See *Tribuch*. **Treet** (*Triticum*, i. Wheat.) In the Statute of 51 Hen. 3. Bread of Treet seems to be that bread which was made of fine Wheat. See *Cucklet*.

**Trental** (*Trentale*) An Office for the Dead, continued thirty dayes, or consisting of thirty Masses; from the Italian *Trenta*, i. Triginia, mentioned *Anno 1 Ed. 6. ca. 14*. *Et volo quod exequutores mei ordinent seu ordinent faciant unum Trental pro salute anime mee*. Will proved, *Anno 1456*.

**Trespas** (*Transgressio*) Signifies any transgression of the Law, under Treason, Felony or Misdemeanor of either, *Stam. pl. Cor. fo. 38*. where he sayes, that for a Lord of the Parliament, to depart from the Parliament without the Kings licence, is neither Treason, nor Felony, but *Trespas*. But, it is most commonly used for that wrong or damage, which is done by one private man to another, or to the King in his Forest; In which signification it is of two sorts, *Trespas general*, otherwise termed *trespass*; and, *Trespas special*, otherwise called *Trespas upon the Case*, which seems to be without force (howbeit sometimes they are confounded.) In an Action of *Trespas* the Plaintiff always sues for Damages, or the value of the hurt done him by the Defendant. See *Brokers Abridg. Tit. Trespas*.

There is also *Trespas local*, and *Trespas transitory*; *Trespas local* is that, which is annexed to a place certain, that if the Defendant joyne issue upon the place, and traverse the place, onely by saying, *absque hoc*, that he did the *Trespas* in the place mentioned in the Declaration, and aver it, it is enough to defeat the action. *Trespas transitory* is that which cannot be defeated by the Defendants traverse of the place, because the place is not material; but, Actions of *Trespas* quare *Clausum fregit* ought to be local. *Bracton*, lib. 4. ca. 34. *num. 6*. divides *transgressionem* in *mayorem* & *minorem*. See also *New Book of Entries*, verbo *Trespas*.

**Trespasants**, (Fr.) Passengers: so *Britton* uses it, ca. 29.

**Trial**, (*Triatio*) Is used for the examination of all causes Civil or Criminal before a Judge, according to the Laws of our Realm; of which there are divers kinds; as, Matters of Fact shall be tried by the Jurors; Matters of Law, by the Justices; Matters of Record, by the Record it self. A Lord of Parliament, upon an Indictment of Treason, or Felony, shall be tried without any Oath, by his Peers, upon their Honors and Allegiance; but, in appeal, at the Suit of any Subject, they shall be try'd per bonos & legales homines. If ancient Demeanor be pleaded of a Mannor, and deny'd, this shall be try'd by the Record of *Domesday*. *Bastardy*, Excommenement, lawfulness of Marriage, and

and other Ecclesiastical matters, shall be try'd by the Bishops Certificate. Of the ancient manner of Trials by Combat, and great Assize, see *Combat* and *Assize*. See *Stam. pl. Cor. lib. 2. ca. 1, 2, 3*. And Twelve Men. *Triatio est exaltissima, liti contestata, coram Judice, per duodecim virale sacramentum, exagitiatio*. Pat. 3. R. Joh. m. 3. in fidelitate Leulini. *Statuitur de triatione differentiarum dicti Leulini*, &c.

**Tribuch & Trebuchet**, (*Turbicetum*) A Tumbrel, Cuckingstole, or Gogingstole.—*Hac omnia concedimus deo & Ecclesie Sancti Albani, cum Soca & Sacca, on Stronde & Streime, on Wode & feld, Toll & Teym, Tribuch, Hamfoken, Murdre, Forestal, Danegeld, Infangenitib & Vifangenitib, Flemenesevithe, Blodwite, Wreck*, &c. Carta Joh. Regis, Dat. 11 Junii, Anno 1 Regni.

**Trithing**, or **Trithing**, (Sax. *Tpithinga*) contains three or four Hundreds, or the third part of a Shire or Province; Also a Court held within that Circuit, which was the same we now call a *Court-leet*, which is above a *Court-Baron*, and inferior to the County Court. *Breve de Atturnato de loquelis*, &c. Regist. 266. *Provisum est quod quilibet liber homo libere possit facere Atturnatum suum ad loquelas suas prosequendas & defendendas motas in Trithingis, Comitatus, Wapentachiis & aliis Curis sine breve nostro*. Sur le Statute de Merton, ca. 10. *Fiat autem visus de Franciplegio sic, viz. quod pax nostra teneatur, & quod Trithinga sit integra, sicut esse consuevit*, &c. Mag. Char. ca. 36. See *Fleta*, lib. 2. ca. 61. & *Origin. Jurid.* fo. 26. See *Lath.*—*Et volo quod dicti Monachi sint quieti & soluti ab omni scotto, Geldo, auxiliis vicecomitum, Hydagio, & a secta in Schir, wapentachiis, Hundredis, Trithingis, & omnimodis aliis Curis & sacculi oneribus universis*. Carta Eadredi Regis Anno 948. Abb. & Monachis Croiland.

**Trinity-house**, Is a kind of Colledge at *Debsford*, belonging to a Company, or Corporation of Seafaring Men, who have power by the Kings Charter to take knowledge of those that destroy Sea-marks, and to redress their doings, as also to correct the faults of Saylor, &c. and to take care of divers other things belonging to Navigation and the Seas. *Anno*, 8 Eliz. ca. 13.

**Trink**, Is a kind of Fishing-net, or an Engin to catch fish, *Anno 2 Hen. 6. ca. 15*. *Cokes 12 Rep. fo. 89. Mich. 9 Jac.*

**Triours**, Are such who are chosen by the Court to examine whether a Challenge made to the Panel, or any of them be just, or no. *Brook tit. Challenge*, fo. 122. and *Old. Nat. Br. fo. 158*.

**Trista**.—In quo Rex cum ceteris superior consisteret, secundum legem venandi, quam vulgo Tristam vocant, singulis proceribus cum suis canibus singula loca delegat, ut obsequia undique bestia, ubicunque eligeret exitum, inveniret exitum, &c. Decem Scriptores, fo. 367. *Servitium vel Officium plane sapit, fiducia mixtum; Ori-*

go, in fallor a nostratium *Trust*. *Glofs. in x. Script.* See *Triffis*.

**Tristis, Tristis & Trista**, (from *Tristis*, i. Trust) Is an immunity, whereby a Man is freed from his attendance on the Lord of a Forest, when he is dispos'd to chafe within the Forest, and shall not be compel'd to hold a dog, follow the chase, nor stand at a place appointed, which otherwise he might be, under pain of amercement, *Manw. par. 1. pa. 86*.—*Et sint quieti*, &c. de chevagio, *Honde-peng, Buchtal & Tristis*, & de omnibus misericordiis, &c. Privileg. de Semplingham. 4 *Inst.* fo. 306.

**Trithing**, (*Trithingum*) In the Statute of Merton, ca. 10. signifies a Court consisting of three or four Hundreds, 2 *Inst.* fo. 99. See *Trithing*.

**Tronage**, (*Tronagium*) Is Custom, or Toll taken for weighing Wooll; *Fleta*, (lib. 2. ca. 12. *Seff. Item ulnas*) sayes, that *Trona* is a Beam to Weigh with, mentioned in *West. 2. ca. 25*.

**Tronator**, (from *Trona*, i. Statera) An Officer in the City of London, who weighs the Wooll that is brought thither. See his Oath in the *Book of Oathes*, fo. 231.

**Trober**, (Fr. *Trouver*, i. Invenire) Is the name of an action, which a man hath against one, who, having found any of his Goods, refuseth to deliver them upon demand. See *New Book of Entries*, verbo *Trover*. Actions of *detinue* are of late much turned into Actions upon the Case, sur *Trover & Conversion*. Preface to *Rolls Abridgment*.

**Trop-weight**, (*Pondus Troia*) See *Weight*.

**Trug**.—*Tres Trugge frumenti vel avena faciunt 2 Bushels infra Prebendam de Hunder-ton in Ecclesia Heref. MS. de temp. E. 3.* And, at *Lempster* at this day the Vicar has *Trug Corn* allow'd him for Officiating at some Chappels of ease, (as *Stoke* and *Dorklay*) within that Parish; Haply it may come from the Sax. *Throg*, which signifies a great hollow Vessel, or Trough.

**Tumbrel**, (*Tumbrellum*, *turbicetum*) Is an engine of punishment, which ought to be in every liberty that has view of Frankpledge, for the correction and cooling of Scoldes, and unquiet Women, *Kitchin*, fo. 13. See *Cuckingstole*. Item, *si aliquis, qui in libertatem nostram, per assensum & consensum Comburgensium nostrorum, admissus fuerit, fecerit aliquod delictum, per quod ad penam publicam seu vile Judicium, aut ad Collustrigium vel Tumbrellum, vel aliquod aliud hujusmodi adjudicatus fuerit, pro perjuro reputabitur, & ipso facto amittet libertatem suam*. MS. Codex de LL. Statutis & Consuetud. Burgi villæ Mountgom. fo. 11.

**Tun**, Is a measure of Oyl or Wine containing twelve score and twelve Gallons, or four Hogheads, *Anno 1 Rich. 3. ca. 12*. 2 *Hen. 6. ca. 11*. and 12 *Car. 2. ca. 4*. A Tun of Timber is 40 solid feet; a Load 50.

**Tun-grebe**, (Sax. *Tungrepa*, i. *Villa prepositus*) A Reeve, or Bailiff; *qui in villa* (& quæ dicimus *Maneris*) Domini personam sustinet, I t t t ejusque



*Usque vice omnia disponat & moderatur. Spelman.*

**Tunnage, al. Tonnage, (tunnagium & tonnagium)** Is a Custom or Impost due for Merchandise brought or carried in *Tuns*, and such like vessels, from or to other Nations after a certain rate for every *Tun*. *Ann. 12 Edw. 4. ca. 3. — 6 Hen. 8. ca. 14. — 1 Ed. 6. ca. 13. — 1 Jac. ca. 33. & 12 Car. 2. ca. 4.* It is sometimes used for a duty due to the Mariners for unloading their Ship, arrived in any Havens, after the rate of so much a *Tun*. *Tunnage* and *Poundage* began in the 45th of Edward the third. *Customs posthuma, fo. 172. See 4 Inst. fo. 32.*

**Turbary, (turbaria, from turba, a turf)** Is a right or interest to dig *turves* on another mans ground, *Kitchin, fo. 94.* And, *Common of Turbary* is a liberty which some Tenants have by prescription to dig *turves* on the Lords Waste. *Turbaria* is sometimes also taken for the ground where *turves* are digged.

**Turth, (turum)** Is the Sheriffs Court, kept twice every year, viz. within a Month after *Easter*, and *Michaelmas*. *Mag. Charta, ca. 35. & 3 Edw. 3. ca. 15.* From this Court are exempt onely Arch-bishops, Bishops, Abbots, Priors, Earls, Barons, all Religious men and women, and all such as have *Hundreds* of their own to be kept. *Anno 25 Hen. 3. ca. 10. Britton, (ca. 29.)* calls it *Tour*, (i. ambitus, circuitus.) It is a Court of Record in all things that pertain to it, it is the Kings Leet through all the County, and the Sheriff is Judge, and this Court is incident to his Office. *See Cramp. Jur. fo. 230. and 4 Inst. fo. 260.*

**Turnep or Tournep, (Fr. Tournep, i. Decursorium)** Signifies a Martial exercise of Knights or Gentlemen fighting on horseback one with another in disport, and is thus defined, *Torneamenta dicuntur nundina vel feria, in quibus milites ex condito convenire, & ad ostentationem virium suarum & audacia, temere congressi solent.* This word is used in the Statute 24 Hen. 8. ca. 13. but, the thing it self is now disused.

**Turno bicocomitum, Is a Writ** that lies for those that are called to the Sheriffs *Turn* out of their own Hundred, *Reg. of Writs, fo. 174.*

**Twaite, Signifies a wood grubbed up, and turned to Arable.** *Coke on Litt. fo. 4. b.*

**Twa nights gesse, (Hospes duarum noctium)** If he did harm to any, his Host was not answerable for it, but himself. *Hoveden, parte post. fo. 345. b. See Third-nights-awn-hinc.*

**Twelve men, (duodecim homines legales,)** otherwise called the *Jury*, or *Enquest*, is a number of twelve persons, or upwards to twenty four, by whose Oath, as to matters of Fact, all Trials pass both in Civil and Criminal Causes, through all Courts of the Common Law in this Realm. In Civil Causes, when proof is made of the matter in question, the point of the Fact (on which they are to give their verdict) is deliver'd likewise to them, which we call the *Issue*, then they are put in mind of their Oath, to do right, and are, by the Judges, sum-

ming up the evidence, sent out of the Court, by themselves to consider upon the Evidence on both sides, untill they are agreed: which done, they return to the Court, and deliver their verdict by the Mouth of their Foreman; according to which (if the matter be not arrested, or staid by the discretion of the Judge or the Court,) the Judgment passeth.

In *Causas Criminal* there are two sorts of Enquests, one called the *Grand Enquest*, the other the *Enquest of life and death*; The first is so called, either because it consists of sixteen at the least, or else because all causes Criminal or Penal first pass through them; whereas the other Enquest is especially appointed for one or few matters touching life and death. Those of the *Grand Enquest* are called by *Bracton*, 12 *Milites*; because they were wont to be Knights, if so many could be had. And their Function is to receive all Presentments of any Offence, and accordingly to give their general opinion of them, by writing either these words *billā vera* upon the Bill of Presentment, which is an Inditement of the Party presented, or else *Ignoramus*, which is a doubting of the Fact presented. Of this read more in *Inditement*, *Affise*, *Jury*. See the Statute 35 Hen. 8. ca. 6. & 37 *ejusdem*, ca. 22. — 2 Ed. 6. ca. 32. & 5 *Elizabeth*, ca. 25.

**Yember of skins, Is 40 skins.** *Book of Rates, fo. 18.*

**Ympenp, Abbas & Monachi Rading.** — *Sint quieti de tributis & lastagiis & stallagis de Thetbing-peny & Ympenp, de summonitionibus de Affisis & super Affisis, &c.* In Memorandum Scacc. de Anno 20 Ed. 3. int. Record. de Trin. Rot. 3. I find it elsewhere written *Ympenp*. *Mon. Angl. 1 Par. fo. 419. a. Quare.*

## U.

**Vacation, (Vacatio)** Is all the time respectively, betwixt the end of every Term and beginning of the next; when such times began and ended in our Ancestors dayes. *See Hovedens Annals, Par. post. fo. 343. a.* where you shall find that this intermission was called *Pax dei & Ecclesia*. Also the time from the death of a Bishop or other Spiritual person, till the Bishoprick, or other Dignity be supplied with another, is called *Vacation*. *Westm. 1. ca. 21. & 14 Edw. 3. ca. 4. & 5. See Plenarity.*

**Vaccarie, alias Vaccarie, (Vaccaria, al. Vaccaria, and Vacheria)** Is a House or place to keep Cows in. *Fleta, lib. 2. ca. 41. Domus five locus quo vaccae aluntur, vel quo negotium quod ad eos attinet perficitur. Spelm. A Dairy-house. Without warrant no Subject may have a Vaccary within the Forest.* *Crom. Jur. fo. 194.* But, in the Stat. 37 Hen. 8. ca. 16. *Vaccary* seems to be a special name of a certain compass of ground within the Forest of *Ashdown*.

**Waga.**

**Waga. See Waga.**

**Wagabond, (Vagabundus)** One that wanders about, and has no certain dwelling, an idle Fellow. Rogues, *Vagabonds*, and sturdy Beggars, mentioned in divers Statutes. — *De Vagabundis & aliis hominibus mendicantibus qui se nominant, Trabelpung-men, &c.* *Charta, 22 Hen. 6. m. 34. n. 36. Item utimur, quod nullus Vagabundus vagetur seu decambulet de nocte in villa seu suburbio ejusdem post pulsationem Campana nostra communis, vocata Cobertu, Et si aliquis ibidem capiatur post pulsationem dicte Campana ducatur ad Gaulam Domini Regis, & ibi morabitur usque in crastinum. ut notitia persona sue habeatur, & emendari faciet ad voluntatem Batorum & Cumburgensium, & per Balivos Capitales liberetur, si hoc petat. MS. Codex de Legibus & Statutis Burgi-villæ Mountgomer. a tempore, Hen. 2.*

**Walelet, Waler, or Walelett, (Valletus vel valella. Qui juxta dominum vadit seu ministrat. Fr. Valet.)** A Servitor, or Gentleman of the Privy-Chamber, according to *Cambden*. In the accounts of the *Inner-temple* it is used for a Benchers Clerk, or Servant; The Butlers of the House corruptly call them *Varlets*. In *Reg. of Writs*, 25. b. *Valletus*. If the Sheriff be a *Valelett* of the Crown, *Sec. Coke on Litt. fo. 156. Sciant* — *Quod ego Henricus Comes Lancastrie & Leicester. Senescallus Anglie Dedimus dilecto Valetto nostro Johanni le Blount novem acres terra cum pertin. in Holland in Foresta nostra de Duffeld, &c. Dat. apud Heggam Ferrvers 3 die Junii 5 Ed. 3. Penes Wal. Kirkham Blount Bar.*

*Valet* was anciently a name specially denoting young Gentlemen, though of great descent or quality, but now given to those of the rank of *Yeomen*. *Seldens titles of Honour, fo. 831.*

**Value, (Valentia, valor)** Is a known word; but, *West* gives us a nice difference betwixt *value* and *price*. — The *value*, says he, of those things, in which offences are committed, is usually compriz'd in Inditements, which seems necessary in *Theft*, to make a difference from *petit Larceny*, and in *Trespass* to aggravate the fault, and increase the Fine: But, no *price* of things *ferre natura* may be expressed, as of Deer, Hares, &c. if they be not in Parks and Warrens, which is a liberty. *Anno 8 Ed. 4. fo. 5. nor of Charters of Land.* And, where the number of the things taken are to be express'd in the Inditement, as of young Doves in a Dove-house, there must be said *pretii*, or *ad valentiam*; but, of divers dead things, *ad valentiam*, and not *pretii*. Of Coin not current, it shall be *pretii*, but of Coin Current it shall neither be said *pretii*, nor *ad valentiam*, for the price and value thereof is certain, *Sec. Par. 2. Symbol. tit. Inditements. Selt. 70. V. W.*

**Walog of Marriage, (Valore maritaggi)** Was a Writ that lay for the Lord, having profer'd Covenanted Marriage to the Infant, and he refusing it, to recover the *value* of the Marriage. *Old Nat. Br. fo. 90.* but taken away by the Statute 12 Car. 2. ca. 24.

**Wantarius, Præcurfor.** As *Wantarius Regis*, the Kings fore-foot-man. *Richardus Rockeste, miles tenebat terras Scantonie per Sciantiam esse Wantarium Regis in Gascoign, donec perassus fuit pari solutarum precii 4 d. i. dum trivisset par calceorum pretii 4 d. Rot. de Finibus. Term. Mich. 2 Ed. 2.*

**Variance, (From the Fr. Varier, i. Alterare)** Signifies an alteration or change of condition, after a thing done. As, the Commonalty of a Town make a composition with an Abbot, and after obtain Bailiffs by grant from the King. In this case, if the Abbot commence any Sute for breach of the composition, he must *vary* froin the word *Commonalty* set down in the Composition, and use *Bailiffs and Commonalty*. *Brook. tit. variance, fo. 292.* It is also used for an alteration of something formerly laid in a Plea. *See Variance in the New Book of Entries.*

**Varlets, By a Repealed Statute of 20 Rich. 2. cap. 2.** were used for Yomen, or Yomen-servants. *See Valels, and the Statute 3 Car. 1. ca. 4. Will. Hunt Varlet del Chambre nostre Seignour le Roy. Claus. 12 Rich. 2. M. 43. In dorso.*

**Vasslet, (Vassletus)** — *Concordia inter Regem & Radulphum de Normanni, viz. quod Rad. tenebat in servitio Regis Geroldum & Radulphum milites, filios suos, quamdiu guerra sua duraverit, per sic, quod Rex ei remittat CC. marcas quas debebant Regi Johanni de Fine pro redemptione dicti Geroldi, & per sic deberetur; Thomas filius dicti Radulphi Vassletus in custodia Regis, qui similiter morabatur in servitio Regis cum predictis Geroldo & Radulpho fratribus suis. Pat. 1 Hen. 3. in dorso M. 13.* It seems here to signifie a *Ward*. *See Vasslet.*

**Vassal, (Vassallus,)** From the Germ. *Gefsel.* i. Comes qui mercede servit) Signifies him that holds Land in Fee of his Lord, we call him more usually a Tenant in Fee, whereof some owe fidelity and service, and are called *vassalli jurati*. But, the word being little used in our Law Books, make me waive that enlargement which *Cowel* makes upon it.

**Wasso, Is a Writ** that lies for the Heir against the Tenant for life or years, for making waste, or for him in the reversion or remainder. *Fitz. Nat. Br. fo. 55 See the Statute 6 Ed. 1. ca. 5.*

**Wabatoz, alias Wabatoz, Is one** who in dignity is next a Baron. *Cambd. Brit. pa. 109. — Bracton, lib. 1. ca. 8. says thus of them: — Sunt & alii potentes sub Rege, qui dicuntur Baronēs, hoc est, robur belli; sunt & alii qui dicuntur vavatores, viri magnæ dignitatis: vavatores enim, nihil melius dici poterit, quam vas sortitum ad valentudinem. — Rex, &c. Ballivis Petri de Pratelhi de Insula Gersy & Gornse, &c. volumus — quod Episcopi, Abbates, Abbatissa, Clerici, Milites, vavatores, & alii qui reddunt & tenementa habent in Insula Gersy, &c. quantam partem reddituum suorum unius anni, &c. prebeant ad sustentandum milites & servientes qui predictas Insulas defendunt. Pat. 5 Joh. M. 7. See more of these in the learned *Spelmans Gloss.**

**Wabatoz,te,**

**Uabaforte** (*Vavaforia*) The Lands that a Vavafor held — *Quod dicitur de Baronis non est observandum in Vavaforia, vel aliis minoribus feodis quam Baronis, quia caput non habent sicut Baronis.* Bract. lib. 2. cap. 39.

**Ueal-money, or Ueal noble money,** The Tenants of one of the Tithings within the Mannor of Bradford in Com. Wilts, pay a yearly Rent by this name to their Lord, the Marquess of Winchester, which is in lieu of *Veal* paid formerly in kinde.

**Uefours** (*Visores*, from the Fr. *Veoir*, i. *Cernere, intueri*) Are those that are sent by the Court to take view of any place in question, for the better decision of the right. *Old Nat. Br. fol. 112.* So *Bracton* uses it, *Lib. 5. tract. 3. cap. 8.* It signifies also those that are sent to view such as Essoign themselves *De malo lecti*, whether they are in truth so sick, as they cannot appear, or whether they counterfeit. *Bracton, lib. 5. tract. 2. cap. 10. & 14.* Lastly, It is used for those that are sent or appointed to view an offence, as a Man murdered, or a Virgin ravished. See *View*.

**Uenditioni exponas,** Is a Writ Judicial, directed to the Under-Sheriff commanding him to sell goods, which he hath formerly, by commandment, taken into his hands for the satisfying a Judgment given in the Kings Court. *Reg. Judic. fol. 33.* And *Anno 14 Car. 2. cap. 21.*

**Uenire facias,** Is a Writ Judicial, going out of the Record, and lies where two parties plead, and come to Issue; for then the party Plaintiff or Defendant, shall have this Writ directed to the Sheriff, to cause Twelve Men of the same County to say the truth upon the Issue taken: And if the Enquest come not at the day of this Writ returned, then shall go a *Habeas Corpora*, and after a *Distress*, until they come. *Old Nat. Br. fol. 157.* See how diversly this Writ is used in the Table of the *Register Judicial*. There is also a Writ of this name, that is *original*, as appears in the *Reg. of Writs, fol. 200.* Which *Lambert* in his *Processus* annexed to his *Eiren*, says, is the common Process upon any Presentment, not being Felony, nor specially appointed for the fault presented by Statute, whereof he sets down an example in the same place. See also the *New Book of Entries, verbo, Enquest, fol. 253.* And the *Stat. 35 Hen. 8. cap. 5.*

**Uenire facias tot matronas.** See *Ventre infundendo*, and *Lamb. Eiren. lib. 4. cap. 14. pag. 532.*

**Uentre inspiciendo,** Is a Writ for the search of a Woman, that says she is with childe, and thereby withholds Land from him that is next Heir at Law. *Register of Writs, fol. 227. a.*

**Uenue or Ueneto** (*Vicinetum al. Visnetum*) Is taken for a neighboring or near place, *Locus quem vicini habitant.* For example, Twelve of the Assise ought to be of the same *Venue*, where the Demand is made. *Old Nat. Br. fol. 115.* *Anno 4 Hen. 4. cap. 26.* And *25 Hen. 8. cap. 6.*

— And also shall return in every such Panel upon the Venire facias, or sufficient Hundreders, at the least, if there be so many within the Hundred, tohere the Venue lies. See *Vifne*.

**Uerd.** See *Vert*.

**Uerderoz** (*Viridarius, Fr. Verdur, i. Custos nemoris*) Is a Judicial Officer of the Kings Forest, chosen by the Kings Writ in the full County of the same shire, within the Forest where he dwells, and is sworn to maintain and keep the Assises of the Forest, and to view, receive, and enrol the Attachments and Presentments of all manner of Trespasses of Vert and Venison in the Forest. *Manwood, par. 1. pag. 332.* His office is properly to look to the Vert, and see it be well maintained. *Crompt. Jurisd. fol. 165.* His Oath, Fee, and Authority, see in *Manwood supra, and fol. 51.*

**Uerdict** (*Veredictum, quasi dictum veritatis*) Is the Answer of a Jury or Enquest made upon any Cause, Civil, or Criminal, committed by the Court to their tryal; which is twofold, *General* or *Special*. *Stamf. Pl. Cor. lib. 3. cap. 9.* A *General Verdict*, is that, which is given or brought into the Court in like general terms to the *General Issue*; as in an Action of Disceisin, the Defendant pleads, *No wrong, no Disceisin*: Then the Issue is *General*, whether the Fact be a wrong or not, which being committed to the Jury, they, upon consideration of their evidence, come in and say, either for the Plaintiff, that it is a wrong and Disceisin, or for the Defendant, that it is no wrong, no Disceisin.

A *Special Verdict*, is, when they say at large, that such a thing, and such they finde to be done by the Defendant or Tenant, so declaring the course of the Fact, as in their opinion it is proved, and as to the Law upon the Fact, they pray the Judgment of the Court. And this *Special Verdict*, if it contain any ample Declaration of the Cause; from the beginning to the end, is also called a *Verdict at large*; whereof read divers examples in *Stamf. ubi supra. New Book of Entries, verbo, Verdict.* And *Coke on Littl. fol. 228. a.* Item utitur, quod *Balivi & Coronatores Burgi nostri usi fuerint & adducuntur recipere Veredictum Duodecim Juratorum ex quacunque causa infra Burgum nostrum predictum seu ejus libertatem emergenti sine consensu, Senescalli presentia nullo modo expectata.* *MS. Codex de LL. & Statutis Burgi-villæ Mountgomer. fol. 15.*

**Uerge** (*Virgata*) Is used for the compass of the Kings Court, which bounds the Jurisdiction of the Lord Steward of the Kings Household, and of the Coroner of the Kings House, and that seems to have been twelve miles compass. *Anno 13 Rich. 2. stat. 1. cap. 3. Britton, fol. 68. & 69. Cokes Rep. lib. 4. fol. 47.* See the *Stat. 33 Hen. 8. cap. 12. Fleta (lib. 2. cap. 4. sect. 1.)* says, This compass about the Court is called *Virgata*, a *Virga*, quam *Mariballus* portat ut signum sua potestatis.

*Verge*

*Verge* is also used for a Stick or Rod, whereby one is admitted Tenant, and, holding it in his hand; swears Fealty, to the Lord of a Mannor, who is therefore called *Tenant by the Verge*. *Old Nat. Br. fol. 17.*

**Uerge of Land** (*Anno 28 Edw. 1 Statute of Wards*) *Virgata terre.* See *Yard-land*.

**Uergers** (*Virgatores*) Are such as carry White Wands before the Justices of either Bench, &c. *Fleta, lib. 2. cap. 38.* otherwise called *Porters of the Verge*.

**Uery Lord, and herp Tenant** (*Verus Dominus, & verus Tenens*) Are those that are immediate Lord and Tenant one to another. *Brook, tit. Harriot, fol. 23.* In *Old Nat. Br. fol. 42.* You have these words — *And know ye that in taking of Leases, six things are necessary, viz. Very Lord, and very Tenant. Service behind; the day of the taking; Seisin of the Services and within his Fee. And, that a Man is not very Tenant, until he have returned to the Lord by some service.* See *Anno 19 Hen. 7. cap. 15.* And see *Tenant*.

**Uert** (*Fr. Verd, i. Viridis*) Otherwise called *Greenhwe*, signifies in the Forest Laws, every thing that grows and bears green Leaf within the Forest, that may cover a Dct. *Manwood, 2 Part. fol. 6. & 33.* Vert is divided into *Over Vert*, and *Neather Vert*. *Over Vert* is that which our Law-Books call *Hault Bois*, and *Neather Vert*, *South-bois*. And of this you may read *Manwood, 2 par. cap. 6. per totum.* Vert is also sometimes taken for that power which a Man hath by the Kings Grant to cut Green Wood in the Forest. See *4 Inst. fol. 317.*

**Uerbise,** Otherwise called *Plonkets.* *Anno 1 Rich. 3. cap. 8.* A kinde of Cloth.

**Uesses.** *Anno 1 Rich. 3. cap. 8.* And *Anno 14 & 15 Hen. 8. cap. 11.* otherwise called *Set Cloaths*, most commonly made in *Suffolk*.

**Uest** (*Vestire*) *Plenam possessionem terra vel pradii tradere; saisinam dare, infeodare.* Says *Spelman*.

**Uestry-men** (*Anno 15 Car. 2. cap. 5.*) Are a select number of the cheif Parishoners of every Parish within the City of London, and Suburbs, and elsewhere, who yearly chuse Officers for the Parish, and take care of its concerns, so called, because they usually meet in the Vestry of the Church.

**Uesture** (*Vestura*) Signifies a Garment, but we turn it Metaphorically to betoken a Possession, or an admittance to a Possession, or Seisin: So is it taken in *Westm. 2. cap. 25.* And in this signification it is borrowed from the Feudists, with whom *Investitura*, imports a Delivery of Possession by a Spear or Staff, and *Vestura*, Possession it self. *Hottoman, verbo, Investitura. Vestura terre, i. Segetes quibus terra Vestitur. MS.*

**Uesture of an Acre of Land** (*Anno 14 Edw. 1. stat. 1.* Is the profit of it. So in *Extenta Manerii 4 Edw. 1.* It is inquirable, *How much the Vesture of an Acre is worth, and how much the Land is worth, when the Wood is felled.*

**Uetitum namium,** *Namium* signifies a Taking or Distress, and *Vetitum*, forbidden; as when the Bailiff of a Lord Distraints Beasts or Goods, and the Lord forbids his Bailiff to deliver them, when the Sheriff comes to Replevy them, and to that end, drives them to places unknown; or when, without any word, they are so cloigned, as they cannot be replevied. Divers Lords of Hundreds, and Court Barons have power to hold Plea *De Vetito Namio*, in old Books called *De Vet. 2 Inst. fol. 140.* Sir Henry Spelman says it is *Antiqua Finis nostri locutio, & brevis Regis nomen.* See *Naam*.

**Uicario deliberando occasione cusudam Recognitions,** &c. Is a Writ that lies for a Spiritual Person, imprisoned upon forfeiture of a Recognisance, without the Kings Writ. *Reg. of Writs, fol. 147.*

**Uicis & benellis Mundandis,** Is a Writ that lies against a Major or Bailiffs of a Town, &c. for the clean keeping their Streets. *Reg. of Writs, fol. 267. b.*

**Uicar** (*Vicarius*) The Priest of every Parish is called *Rektor*, unless the Predial Tithes be impropriated, and then he is called *Vicar*, *Quasi vice fungens Rectoris.* *Sciunt—quod ego Johannes Wobbe perpetuus Vicarius Ecclesie Parochialis de Bromyard Dedi—Domino David Hay perpetuo Vicario Ecclesie Parochialis de Anenebury duas acras terre, &c. Dat. 8 Hen. 5.* They filled themselves *Perpetui Vicarii*, because every *Vicaridge* hath a constant Succession, as a Corporation, and never dies. The Canonists mention four species of *Vicars*: *Quidam sunt perpetui, ad Parochiales Ecclesias constituti; quidam non perpetui, sed ad aliquos actus constituti, ut temporales; & isti dicuntur, mercenarii: Quidam sunt speciales, non ad curam, sed ad certum locum, articulum vel actum constituti: Quidam nec perpetui, nec ad curam, nec ad certum actum, sed generaliter dantur ad omnia.* See *Vocab. utriusque Juris, verbo Vicarius.*

**Uice-Chamberlain,** called *Under-Chamberlain* (*Anno 13 Rich. 2. stat. 2. cap. 1.*) Is a great Officer in Court, next under the Lord Chamberlain, and in his absence hath the command and controulment of all Officers whatsoever, appertaining to that part of his Majesties Household, which is called the *Chamber*, or above stairs.

**Uicegerent** (*Anno 31 Hen. 8. cap. 10.*) A Deputy or Lieutenant.

**Uicnage** (*Fr. Voisinage*) Neighborhood, nearness. *Mag. Char. cap. 14.* See *Venue*.

**Uicinetum.** See *Vifne*.

**Uicount alias Uicount** (*Viccomes*) Signifies as much as *Sheriff*: Between which two words, I finde no other difference, but that the one comes from our Conquerors the *Normans*, the other from our Ancestors the *Saxons*, of which, see more in *Sheriff*.

**Vicount** also signifies a degree of nobility next to an Earl, which *Camden* (*Britan. pag. 170.*) says, Is an old name of Office, but a

new one of dignity, never heard of among us till Henry the Sixth's dayes, who, in his eighteenth year, in Parliament created John Lord Beaumont, Viscount Beaumont, but far more ancient in other Countries. *Cassan. de Gloria mundi, par. 3. consider. 55. See Sheriff. And Seldens Titles of Honor, fo. 761.*

**Vicountieis, (Vicomitibus)** Are certain Feudums, for which the Sheriff pays a rent to the King, and makes what profit he can of them. *v. Stat. 33. & 34 Hen. 8. ca. 16. — 2 & 3 Ed. 6. ca. 4. & 4 Hen. 5. ca. 2. Writs Vicountiel are such Writs as are triable in the County, or Sheriffs Court. Old Nat. Br. fo. 109. of which kind you may see divers Writs of Nufance set down by Fitzb. in his Nat. Br. fo. 184. b. See Anno 6 Rich. 2. ca. 3.*

**Vicountiel Writs, Mentioned** 22 Car. 2. ca. 6. *See Vicountiels.*

**Vidimus, (Anno 15 Hen. 6. ca. 3.)** See Immoctimus.

**Vieu, (Fr. Veu, i. Visus, conspectus)** Signifies the act of *Viewers*: For, when any Action real is brought, and the Tenant knows not well what land it is that the Demandant asks, then he may pray the *view*, which is, that he may see the land which is claimed, of this Britton writes, *ca. 45.* This course of proceeding we receive from the Normans, as appears by the *grand Customary, ca. 66. and 80.* This view is used, as in other cases, so in an Assise of rent-service, rent charge, or rent seck. *Fitz. Nat. Brev. fo. 178. and in a Writ de Curia claudenda. Idem, fo. 128. In a Writ of Nufance, idem, fo. 183. In a Writ Quo iura. Idem, fo. 128. In the Writ de rationabilibus districtis. Idem, fo. 129. And, in the Writ de fca ad molendum. Idem, fo. 123. See the New Book of Entries, verbo, view, and, how this view is made, in Fleta, lib. 4. ca. 6. See Feiour, and Westm. 2. ca. 48.*

**Wito of Frankpledge, (Visus Franci plegii)** Is the Office which the Sheriff in his County Court, or the Bailiff in his Hundred performs, in looking to the Kings peace, and seeing that every man be in some pledge. This is called by Bratton, *Res quasi sacra, quia solam personam Regis respicit, & introducta per pacem & communem utilitate*, lib. 2. ca. 16. num. 8. *See Frankpledge, Leet & Decennier. See New Book of Entries on this word.*

**Wit laica remobendo, Is a Writ that lies for the removing a forcible possession of a Benefice, kept by Lay-men; and is sometimes granted upon the Certificate of the Bishop into the Chancery, that there is such a force in his Diocess; sometimes onely upon a firmise thereof made by the Incumbent himself, and has a several form for either case. Fitz. Nat. Brev. fo. 54. Reg. of Writs, fo. 59 & 60.**

**Wigil, (Vigilia)** Anno 2 & 3 Ed. 6. ca. 19. is used for the eve or day next before any solemn Feast; because then Christians of old were wont to watch, fast and pray in their Churches.

**Will, (Villa)** Is taken for a Mannor, and sometimes for a Parish, or part of it. *Villa,*

*apud Saxones nostros antiquos Romano sensu accipi videtur, pro pradio unus alicujus in vure, cum idoneis adibus ad reponendos ejusdem fructus honestato. Non autem primitus pro multarum mansionum connexione, quod in oppidis potius expectandum esset, & successivis temporibus villis posita introductum est. Spelman. Vill and Parish shall be intended all one, 2 Part Crokes Rep. Wreys Case, fo. 263. yet there may be two Villis in one Parish, idem, fo. 120. Storks Case.*

**Villain, (Villanus)** Fr. Vilain, i. Illiciberus, vilis, impurus) Signifies a Bondman; of which there were two sorts in England, one termed a Villain in gross, who was immediately bound to the person of his Lord and his heirs; the other a Villain regardant to a Mannor, whom the Civilians term *Gleba adscriptitium*, being bound to their Lord, as Members belonging to, and annexed to a Mannor, whereof the Lord was owner. *Sir Thomas Smith Repub. Angl. lib. 3. ca. 8. Old Nat. Br. fo. 8. & Bratton, lib. 1. ca. 6. num. 4.* He was properly a pure Villain, of whom the Lord took redemption to marry his Daughter, and to make him free, and whom the Lord might put out of his Lands and Tenements, Goods and Chattels at his will, and beat and chastise, but not maim him. There are not properly any Villains now, though the Law concerning them stands un-repealed; We have rarely heard of any Case of Villenage, since *Crouches Case in Dyer. See Preface to Rolls Abridgment. Servorum enim & Nativorum apud nos sublata est conditio; & quas ideo possidebant terras vel pradia, hodie libere tenent sub antique servitutis consuetudinibus. Spel.*

**Omnibus — Frater Mathaus Abbas de Halescoteign & Conventus ejusdem loci salutem.** Noveritis nos unanima voluntate & consensu fecisse Johannem del Grene de Rugecote liberum, cum tota sequela sua procreata & procreanda, & cum omnibus catallis suis habitis & habendis. Ita vero quod prefatus Johannes, cum tota sequela sua procreata & procreanda & cum omnibus catallis suis habitis & habendis, ab omni jugo servitutis liberi maneant imperpetuum. In cujus rei testimonium huic littere libertatis sigillum nostrum apposuimus. Dat. 31 Ed. 3. Ex ipso Autographo penes Johannem Winford Mil.

**Villanis Regis subtrahitis reducendis, Was a Writ that lay for the Springing back of the Kings Bondmen, that had been carried away by others out of his Mannors, whereto they belonged. Reg. of Writs, fo. 87. b.**

**Villanous Judgment, (Villanum Judicium)** Is that which casts the reproach of villany and shame upon him against whom it is given, as a Conspirator, &c. *Stamf. Pl. Cor. lib. 3. ca. 12. fo. 175.* which Lam. in his Eiren. (lib. 1. ca. 13. pa. 63.) calls villanous punishment, and says, it may well be called villanous, because the Judgment in such a case, shall be like the ancient Judgment in Attain (as it is said Anno 4 Hen. 5. Fitz. Judgment, 220) and (in 27 lib. Assis. pl. 59.) is set down to be, that they

they shall not be of any credit afterwards, nor lawful for them in person to approach the Kings Court, and that their Lands and Goods be seized into the Kings hands, their Trees rooted up, and their Bodies imprisoned, &c. And, at this day, the punishment appointed for Perjury, (having somewhat more in it then corporal, or pecuniary pain, stretching to the discrediting the testimony of the Offender for ever) may be partaker of this name. This and such like is elsewhere termed vile & odibile Judicium. See Pillory.

**Villain fleeces, (Anno 31 Edw. 3. ca. 8.)** Are bad fleeces of Wool, that are shorn from scabb'd Sheep.

**Villanage, (Villanagium)** Signifies a servile kind of tenure of Lands or Tenements, whereby the Tenant was bound to do all such services as the Lord commanded, or were fit for a villain to perform; ubi sciri non poterit vespere, quale servitium fieri debet manere. Bratton, lib. 2. ca. 8. num. 3. The division of Villanage, was villain of Blood, and of Tenure. Tenure in Villanage could make no Freeman villain, if it were not continued time out of mind; nor free land make villain free. Villanage is also divided by Bratton (ubi supra) into Purum villanagium a quo praestatur servitium incertum & indeterminatum, as above is said; and Villanagium Soccagium, which was to carry the Lords Dung into his Fields, to plow his ground at certain dayes, Sow and Reap his Corn, &c. and even to empty his Jakes, as the Inhabitants of Bickton were bound to do those of Glun Castle in Shropshire, which was afterwards turned into a Rent, now called *Bickon silver*, and the villanous service excused.

**Placita de Banco a die Pasche in 15 dies, 34 Hen. 3. Rot. 20 Berks.**

**Will. Maynard, qui tenuit terras in Heurst, cognoscit se esse Villanum Abbatis de Abendon, & tenere de eo in Villanagio & per villanas consuetudines, viz. per servitium 18 d. per annum & dandi Maritagium & Marchetum pro filia & forore sua, ad voluntatem ipsius Abbatis, & faciendo omnes villanas consuetudines.** Copyholders, or Tenants by Copy is but a new name; for anciently they were called Tenants in Villanage, or of base Tenure. *Fitz. Nat. Br. fo. 28. C.*

**Winnet, (Anno 14 Car. 2. ca. 33.)** A kind of flower or border, with which Printers use to garnish printed leaves.

**Virgata terra, Al. Virga terra.** A Yardland. MS. Codex. — Decem acra terra faciunt secundum antiquam consuetudinem, unam ferdellam, & quatuor ferdella faciunt virgatam. See Yardland.

**Virgario eligendo, Is a Writ that lies for the choice of a Verderor in the Forest. Reg. of Writs, fo. 177.**

**Virilia, A mans privy-members; the cutting off of which was Felony by the Common Law, (according to *Bratton, lib. 3. fo. 144.*) whether the party consented or not. *Henricus Hall & Auxor ejus capti & detenti in prisona de Ewilebester, eo quod relictati fuerint quod ipsi absciderunt virilia Johannis Monachi, quem idem Henricus deprehendit cum pradiis A. uxore ejus. Rot. Clauf. 13. Hen. 3. m. 9.***

**Virga ferrea, — Sciant — quod ego Hamundus Orri dedi — Nich. filio Eddæ pro viii s. sterlingis quos mihi dedit pra mambus, unam placetam terra mea in vico versus Dufstee, quae jacet inter terram meam & terram Philippi filii Haglin, cujus latitudo in fronte continet in sex virgas ferreas praeter unum quarterium, & totidem areto, &c. Ex libro Cart. Prior. Locominfr. This was so many yards, according to the Kings Standard in the Exchequer, which anciently was of Iron, now Brass.**

**Visitatio, (Visitatio)** Is that Office or Action which is perform'd by the Bishop in every Diocess once in every three years, or by the Arch-deacon once a year, by visiting the Churches, and their Rectors, &c. — *Ut populus illorum cura commissus salubriter a pastoribus & ordine gubernetur. Reform. Leg. Eccles. fo. 124.* Ne quid detrimenti capiat Ecclesia, says another Author.

**Visitatio of Spanners, (Visitatio morum)** Was wont to be the name of the Regarders Office in ancient time. *Manwood, Par. 1. pa. 195. See Regarder.*

**Vicine, (Vicinetum)** Signifies a Neighbour-place, or a place near at hand. *Anno 16 Rich. 2. ca. 6. dicitur vicinetum in iure nostro locus quem vicini habitant, qui olim intelligebantur de eadem villa sive adjacentibus, atque alias de eodem Hundredo vel proximis; modo vero de eodem pago, sive Comitatu, hoc est compagenses. Spelman. See Viceneu.*

**Witu Franciplegit, Is a Writ, to exempt him from coming to the View of Frankpledge, who is not resident within the Hundred; For men are bound to this View, by reason of their habitation, and not of Lands held where they dwell not. Reg. of Writs, fo. 175.**

**Vitteller alias Vidualer (Vitualarius al. Vitellarius)** Is he that sells *Vituals*; for whom there is a Writ in *Fitz. Nat. Br. fol. 172.* If they exercise their Trade, bearing a Magistracy in any Town Corporate.

**Vitula pecunia, Anciently used for live Cattle. See Pecunia.**

**Vitula boce, See Deposition.**

**Vitbar (Vivarium)** Signifies a place on Land, or Water, where living things are kept. In Law it most commonly signifies a Park, Warren, Fish-pond, or Piscary. *Coke's second part Inst. fol. 100. Hac est conventio inter Priorem & Conventum Canonicorum de Rudham & Rogerum de Glanvilla, de Molendino & stagno de Thorp, sc. quod Canonici reddent annuatim prefato Rogeri 7 fol. quemadmodum pater ejus Robertus de Glanvilla solebat habere tempore Michaelis Prioris; & si Rogerus de Glanvilla fuerit*

vit in Ructon vel uxor ejus, ipse poterit piscari in Vivario absque Wasto cum Batello Canonorum, &c. Anno 1171. 8 Maii. M. S. Penes Gul. Dugdale Arm.

**Unage.** See *Almage*.

**Uncoze piff.** Is a Plea for the Defendant, being sued for a debt due at a day past, to save the forfeiture of his Bond; saying, he tendered the debt at the time and place, and that there was none to receive it, and that he is yet also ready to pay the same. 7 *Edw. 6.* 83 *Dyer*. See *Unques piff.*

**Uncuth** (Sax.) Unknown. It is used in the ancient Saxon Laws, for him that comes to an Inn guest-wife, and lies there but one night; in which case his Host was not bound to answer for any offence he committed, whereof he was guiltless himself. See *Lamb. Archai. fol. 133. num. 7.* — Item secundum antiquam consuetudinem dici poterit de familia alicujus, qui hospes fuerit cum alio per tres noctes; quia prima nocte poterit dici **Uncuth** Secunda vero **Cuth**; tertia nocte **Hogbenedine**. *Bracton, lib. 3. cap. 10. num. 2.* See *Thiridnightwininge*.

**Unde nihil habet,** Is a Writ. See *Dote unde nihil habet*.

**Under-chamberlain of the Exchequer,** Is an Officer there, that cleaves the *Tallies*, written by the Clerk of the *Tallies*, and reads the same, that the Clerk of the *Pell*, and the Comptrollers thereof may see their Entries be true; he also makes searches for all Records in the Treasury, and hath the custody of *Domesday Book*. There are two Officers there of this name.

**Under Sheriff.** (*Subviccomes.*) See *Sheriff*.

**Under Utter,** Is an Inmate. See *Inmate*.

**Undertakers,** Were such as were employed by the Kings Purveyors as their Deputies. *Anno 2 & 3 Phil. & Ma. cap. 6.* And such as undertake any great work, as draining of Fens, &c. *Anno 43 Eliz. cap. 11.*

**Under Treasurer of England.** (*Vicethesaurarius Anglia*) *Anno 39 Eliz. cap. 7.* This Officer is confounded in other Statutes with Treasurer of the Exchequer, as in 35 *Eliz.* In the vacancy of the Lord Treasurers Office, he does all things in the Receipt that the Lord Treasurer doth. Anciently he did Chest up the Kings Treasury at the end of every Term, and note the content of Money in each Chest, and see it carried to the Kings Treasury in the Tower, for the ease of the Lord Treasurer, &c.

**Uniformity** (*Uniformitas*) One form of Public Prayers and Administration of Sacraments, and other Rites and Ceremonies in the Church of England; prescribed by the Statutes 1 *Eliz. cap. 2.* And 14 *Car. 2. cap. 4.*

**Union** (*unio*) Is a combining or consolidating of two Churches in one, which is done by the consent of the Bishop, the Patron and Incumbent: But there are two other sorts of it; as when one Church is made subject to the

other, and when one Man is made Rector of both, and when a Conventual is made Cathedral, as you may read in the Gloss of the Chapter, *Licet de locato & conducto*, in *Lyndwoods Provincialis, Sect. Et quia*— In the first signification, by the Statute 37 *Hen. 8. cap. 21.* It was made lawful to make an Union or Consolidation of two Churches in one, whereof the value of the one is not above six pounds in the Kings Books of the First Fruits, and not above one mile distant from the other. And by another Statute 17 *Car. 2. cap. 3.* It shall be lawful for the Bishop of the Diocese, Major, Bailiff, &c. of any City or Corporate Town, and the Patron or Patrons, to unite two Churches or Chappels in any such City, Town, or the Liberties thereof; provided such Union shall not be good, if the Churches so united exceed the sum of One hundred pound per annum, unless the Parishioners desire otherwise, &c.

**Unity of Possession,** Signifies a Joyn-tpossession of two Rights by several Titles; As, if I take a Lease of Land from one upon a certain Rent, afterwards I buy the Fee-simple; this is an *Unity of Possession*, whereby the Lease is extinguished, by reason that I, who had before the occupation onely for my Rent, am become Lord of the same, and am to pay my Rent to none but my self.

**Univerfity** (*Universitas*) Is most usually taken for those two Bodies, which are the Nurseries of Learning and Liberal Sciences in this Realm, *Oxford* and *Cambridge*, endowed with great favors and privileges, as appears not onely by *Anno 2 & 3 Ph. & Mar. cap. 15.* — 13 *Eliz. cap. 21.* & 18 *Ejusdem, cap. 6.* But much more by their several Charters, granted by divers pious and munificent Kings of this Land. *Anno 14 Car. 2. cap. 4.*

**Unlage** (Sax. *Un-laga*) A wicked or unjust Law. In which sense the word occurs in *LL. Hen. 1. cap. 34. 84.*

**Unlawful Assembly** (*Illicita Congregatio*) Is the meeting of three or more persons together, with force to commit some unlawful Act, and abiding together, though not endeavoring the execution of it, as to assault or beat any person, to enter into his House or Land, &c. *West. par. 2. Symbol. tit. Indictments, Sect. 65.* *Lambert in his Eiren. cap. 19.* By the Statute of 16 *Car. 2. cap. 4.* And 22 *Ejusdem, cap. 1.* If five persons or more shall be Assembled together above those of the Family, at any Conventicle or Meeting, under colour of any Exercise of Religion, it is unlawful and punishable by Fines, and otherwise, as in the said Statute is expressed.

**Unques piff** (& Always ready) Is a Plea whereby a Man professeth himself always ready to do, or perform that, which the Demandant requires. For example, A Woman sues the Tenant for her Dower, and he, coming in at the first day, offers to aver, that he was always ready, and still is to perform it. In this case, except the Demandant will aver the contrary, he shall

shall recover no damages. When this Plea will serve to avoid charges, and when not, see *Kitchin, fol. 243.* See *Uncoze piff.*

**Voidance** (*Vacatio*) Is a want of an Incumbent upon a Benefice, which is twofold; either in Law, as when a Man hath more Benefices incompatible; or in Deed, as when the Incumbent is dead, or actually deprived. *Brook, tit. Quare impedit. num. 51.*

**Volumus,** Is the first word of a Clause in the Kings Writs of Protection and Letters Patent. *Anno 1 Rich. 2. cap. 8.* And 13 *Ejusdem, cap. 16.* Of Protections some are *Cum clausula Volumus*; and of these there are four kinds, viz. 1. *Quia profecturus.* 2. *Quia moraturus.* 3. *Quia indebitatus nobis existit.* 4. When any one, sent into the Kings service beyond Sea in War, is imprisoned. *Coke on Littl. Sect. 199.*

**Voucher** (*Vocans*) Is a word of Art, and is in the understanding of Law, when the Tenant calls any one into the Court that is bound to him to Vouch any, and that is either to defend the right against the Demandant, or to yield him other Lands, &c. in value; and extends to Lands or Tenements of Freehold, or Inheritance, and not to any Chattel Real, Personal, or mixt, &c. He that *Voucheth* is called the *Voucher* (*Vocans*) and he that is vouched is called *Vouchee*, (*Warrantus*.) The Process whereby the *Vouchee* is called, is a *Summons ad Warrantizandum*, &c. A Recovery with a single *Voucher* is, when there is but one *Vouchee*; and with a double *Voucher*, is when the *Vouchee* voucheth over, and so a treble *Voucher*. There is also a Foreign *Voucher*, when the Tenant being impleaded within a particular Jurisdiction (as in London, or the like) voucheth one to Warranty, and prays, That he may be summoned in some other County out of the Jurisdiction of that Court; which might more aptly be called a *Voucher* of a Foreigner, *De forinsecu vocatis ad Warrantizandum.* *Coke on Littl. fol. 101. b.* See *Recovery*.

*Voucher*, Is also used in the Statute (19 *Car. 2. cap. 1.*) for a Liger Book or Book of Account, wherein are entered the Acquittances or Warrants for the Accomprants discharge.

**Upland** (*Uplanda*) High Ground, or as some call it *Terra firma*, contrary to Moorish, Marsh, or Low Ground. — *Duramque terram novem Miliarum per aquam, de Uplanda, id est de superiori terra, scilicet deferri, & paludibus commisceri iussit.* *Ingulph. Hist. Croyland.*

**Usage.** See *Prescription*.

**Use** (*Usus*) A Deed consists of two principal parts, namely, the *Premises*, and the *Consequents*. The *Premises* is the former part of it, being all that which precedeth the *Habendum*, or Limitation of the Estate, which are the persons contracting, and the thing contracted. The *Consequent* is the *Habendum*, in which are two Limitations; the one, of the Estate or Property which the Party Passive shall receive by the Deed; the other of the *Use*, which is, to express in the said *Habendum* to, or for what

use and benefit he is. And of the Limitation have the same Estate read many Presidents in such *Uses*, you may see 308. These *Uses* were in lib. 2. par. 1. Statute of *Westm. 2.* *Quia emptio terrarum*, before which Statute, no such *Uses* were allowed, and because in time many deceits were committed, by setting the possession in one Man, and the *Use* in another, *Anno 27 Hen. 8. cap. 1.* it was Enacted, That the *Use* and Possession of Lands should always stand united. See *Coke, lib. 3. Chudleys Case.*

**Uter de Action,** Is the pursuing or bringing an Action, in what place and County it ought to be. See *Brook, tit. Lieu and County, fol. 64.*

**Usher** (*Fr. Huissier*, i. A Door-keeper of a Court) Is an Officer in the Exchequer, of which there are four that attend the Chief Officers and Barons at the Court at *Westminster*, and Juries, Sheriffs, and all other Accomprants at the pleasure of the Court. There are also *Ushers* in the Kings Court, as of the Privy Chamber, &c. See *Blackrod.*

**Utiat.** In *Privilegio de Scamplingham.* — *Sint quieti tam ipsi quam homines eorum, &c. de omnibus misericordiis & amerciamenis & forisfacturis, &c. Et de murther & latrociniis & concocles & Utiat, & Hamfoka, Gritbriich, Blawit, &c.* Perhaps miswritten for *Utlage* or *Utlagas.* See *quare.* In *Kelways Report* I finde *Hutlarch.*

**Utcaption** (*Uscapio*) The enjoying a thing by continuance of time, or receiving the profits; long possession or prescription.

**Usufructuary** (*Usufructuarius*) One that hath the use, and reaps the profit of any thing.

**Usury** (*Usura*) Is Money or Money's worth, given above the principal sum for the Loan or it; otherwise called *Interest* or *Use*. *Usura si commodum certum quod propter usum rei mutuae accipitur.* *Cokes 5 Rep. Paytons Case.* By the Stat. 12 *Car. 2. cap. 13.* no Man must take above Six pound for the forbearance of One hundred pound for a year, under the penalties therein contained. See *Cokes 3 Instit. fol. 151.* By the Stat. 3 & 11 *Hen. 7.* it is called *Dry Exchange.*

**Utas** (*Ostava*) Is the eighth day following any Term or Feast, as the *Utas* of *S. Michael*, the *Utas* of *S. Hillary*, &c. whereof you may read *Anno 51 Hen. 3.* Statute concerning General days in the Bench. And any day within the Feast, and the eighth day is said to be within the *Utas*. The use of it is in the return of Writs, as appears by the Statute. At the *Utas* of the Holy Trinity. Preamble to the Stat. 43 *Edw. 3.*

**Utensil** (*Fr. Utenfile*) Any thing necessary for our use and occupation: Householdstuff.

**Utfrangtheof** (Sax. *Ut-frang-theof*, i. *Extra captus*, scil. *Extra dominum vel jurisdictionem*) Is an Ancient Royalty or Privilege granted to the Lord of a Mannor by the King, which gives him power to punish a *Theif*, dwell-



ing, and committing the Fee. *Urfangtheft* if he be taken within *vicinia aliunde de terra dicitur extraneus latro in terra ipsius, quia tales aliena, & qui ea Bracton, lib. 2. tract. 2. cap. 35. habet libertatem.* Anno 2. *cap. 26.*

**Utlagus** (*Uthlagus*) An Outlaw. — *Fuit quidam Uthlagus famosissimus, partes illas frequentans propter iter commercium inter Nottingham & Derby per Forestam. Mon. Angl. 2. par. fol. 618. a. See Outlaw.*

**Utlagato capiendo quando utlagatur in uno Comitatu & postea fugit in alium.** Is a Writ, the nature whereof appears in the words of its name. See *Reg. of Writs, fol. 133.*

**Utlund** (Sax. *i. terra extera*) Dicebatur terra servilis seu tenementalis, quod de proximo terrarum Dominicalium, quae Inland nuncupata sunt, in exteriorem agrum referebantur. Vide Inland.

**Utlarp or Utlatoz** (*Utlagaria vel Utlagatio*) Is a punishment for him, who, being called into Law, and lawfully fought, does (after an Original Writ, with a *Nihil habet*, Three Writs of *Capias*, *Alias*, and *Pluries*, Returned by the Sheriff with a *Non est inventus*, and an *Exigent* with a Proclamation thereupon Awarded) contemptuously refuse to appear. He must also be called at Five County-Court days, a Month between each one; and if he appear not within that time, *Pro exlege tenebitur, cum principi non obediat nec legi, & ex tunc Utlagabitur*, that is, he shall be pronounced to be out of the Kings Protection, and deprived of the benefit of the Law: The effect of which is divers, For if he be outlawed at the fute of another in a civil Cause, he shall forfeit all his Goods and Chattels to the King; if upon Felony, then all his Lands and Tenements which he hath in Fee, or for Life, and his Goods and Chattels. *Et tunc gerit caput Lupinum, ita quod sine iudiciali inquisitione vite pereat, & secum suum iudicium porret, & merito sine lege pereat, qui secundum legem vivere recusavit, &c.* Says *Bracton, lib. 3. tract. 2. cap. 11.* A Minor or Woman cannot be outlawed; but where a Man is termed outlawed, a Woman is said to be *waived*. How an Outlaw is *inlawed* again, and restored to the Kings Peace and Protection. See *Bracton, lib. 3. tract. 2. cap. 14.* And *Fleta, lib. 1. cap. 27. & 28.* See Outlaw.

**Utlape.** Significat *escapium, hoc est, Evasionem latronum.* *Fleta, lib. 1. cap. 47.* And 18 Hen. 6. Pat. 2. m. 22.

**Utrum.** See *Affix*.

**Uter Barristers** (*Juriconsulti*) Are such, who for their long study and great industry, bestowed upon the knowledge of the Common Law, are called out of their contemplation to practise, and in the view of the World to take upon them the Protection and Defence of Clients. In other Countreys they are called *Licenciati in Jure*. The time, before any one ought to be called to the Bar, by the Ancient Orders, was heretofore eight

years, now reduced to seven. And the exercise done by him (if he were not called *Ex gratia*) was Twelve *Grand Moorts*, performed in the Inns of Chancery in the time of the *Grand Readings*, and Twenty four *Petty Moorts* at the Inns of Chancery in the Term times, before the Readers of the Respective Inns of Chancery. A *Barrafter* newly called, is to attend the six next long Vacations, the Exercise of the House, viz. In Lent and Summer, and is thereupon for those three years called a *Vacation Barrafter*. And they are called *Uter Barrafters*, i. Pleaders without the Bar, to distinguish them from *Benchers*, or those who have been Readers, who are sometimes admitted to plead within the Bar, as the King, Queen, or Princes Council are.

## W.

**Wastors** (*Wastores*) Edward the Fourth constituted a Triumvirate of Officers with Naval Power, whom the Patent (22 Edw. 4. Memb. 2.) styles *Custodes, Conductores, and Wastores*; and these were chiefly to guard our Fishermen on the Coast of Norfolk and Suffolk. We still retain the word to *Wast over*, i. To Convey or Conduct over Sea.

**Waga** alias **Waga**, A *Weigh*, which is a Measure of Cheese, Wool, &c. containing Two hundred fifty six pound of *Averdupois*, according to *Cowel*; for by the Statute of 9 Hen. 6. cap. 8. a *Weigh* of Cheese ought to contain Thirty two Cloves, and the Clove eight pound, though some say but seven. — *Unam Wagam salis de salinis suis de Terinton, Mon. Angl. 1. par. fol. 515.* See *Weigh*.

**Wage** (*Wadiare, Fr. Gager*) Signifies the giving security for the performance of any thing; as to *Wage Deliverance*, which see in *Gage*; to *Wage Law*, see in *Law*. None *wageth Law* against the King. *Brook, tit. Chafe in Jacton, num. 9.* See *Coke on Littl. fol. 294. b. Tit. Ley-gager.*

**Wager of Law.** See *Law*.

**Waif** or **Waif** (*Waivum*) Or goods *waived*, are those which a Thief hath stolen, and being pursued or over-charged with the burden, flies and leaves the goods behind him: Then the Kings Officer, or the Bailiff of the Lord of the Mannor (within whose jurisdiction they were left) who (by prescription or grant from the King, hath the Franchise of *Waif*) may seize the Goods to his Lords use, except the owner come with fresh fute after the Felon, and sue an Appeal within a year and a day, or give in evidence against him at his arraignment, and he be attainted. In which Cases, the owner shall have restitution of his Goods, though *Waif* is properly spoken of Goods stolen, yet it may be also of Goods not stolen; as if a Man be pursued with *Hue and Cry*, as a Felon, and

he

he flies and leaves his own Goods, these shall be forfeit, as Goods stolen; and are properly called *Fugitives Goods*. See *Coke, lib. 5. Fugitives Cafe*.

**Waifs, Things lost and Estrays** must, by the Lord of the Franchise where they are found, be caused to be cried and published in Markets and Churches near about, else the year and day does not run to the prejudice of him that lost the M. Briton. cap. 17. — *Plac. coram Joh. de Berewel & Sociis suis Justic. Itin. apud Salop. in Octab. Sancti Michaelis 20 Ed. 1. Ror. 29. in Dorso. Richardus fil. Alani Comes Arundel summoneus fuit ad respondend. Domino Regi de placito quo Warranto clamavit habere placita Corona & habere Waif in Manerio suo de Upton subius Haweman, &c. in Com. Salop. Et Comes dicit quod ipse clamavit habere Infangenethef & Waif, & eadem placita & libertates habuerunt, ipse & omnes antecessores sui, & eisdem isti sunt a tempore quo non extat memoria & eo Warranto clamavit, &c. Et Hugo de Lowther qui sequitur pro Domino Rege dicit quod Waif est quoddam grossum de Corona, ita Corona Domini Regis annexum, quod nullus eo gaudere possit, nisi inde habeat speciale Warrantum a Domino Rege vel antecessoribus suis concessum. Waif, i. Si aliquis adduxerit aliqua animalia, ut oves, boves, equos & huiusmodi, vel aliquas alias res, & inde suspectus & arrestatus fuerit a Balivo Prioris donec probaverit per fideles homines, quod ille res furatus non fuerit, & ille dimissus non redierit: Dilecti res seu animalia servabuntur per unum annum & unum diem, & si ille non redierit & res suas esse probaverit, erunt Prioris, &c. Si aliquis alius venerit, & res suas legitime esse probaverit, datis expensis, illas habebit. Ex Registro Prior. de Cokesford.*

**Wainnable**, That may be Ploughed or Manured, Tillable. — *Dedimus — in loco qui vocatur Shiplade la Mores, & la terre Wainnable, & la Bruerie, &c. Carta Rogeri de Scales. Sine dat.*

**Wainage** (*Wainagium*) From the Sax. *pan, i. Plastrum, Vehiculum.*) *Mag. Char. cap. 14.* — And any others *Willain*, then ours shall be likewise amerced, saving his *Wainage*, if he fall into our mercy. Sir Edward Coke (2 Part Instit. fol. 28.) says it signifies the Contentment or Countenance of the Villain. But *quare* whether it may not rather signify, the furniture or appurtenances of the Cart or *Wain*, wherewith he was to do Villain-service. See *Gainage* and *Wannage*.

**Waitefe.** Tho. Spelman, Filius Johannis, obiit 12 Martii, 1 Eliz. & dicitur in Inquisitione tenuisse Manerium de Narborough cum tertia parte Advocacionis Ecclesie, &c. De Domina Regina, ut de Manerio suo de Wingrave per servitium Militare, & per redditum 14 s. pro Waitefe & Castlegarde, & valit clare per annum 34 l. 17 s. 10 d. quadrante. Patet in Scheda liberationis Joh. Spelman fratris sui, 7 Aug. 5 Eliz. Perhaps a Fee to excuse his Waiting or giving Attendance at the Castle.

**Waitharia mulieris**, Is as much as *Utl-*

*gatu viri. Reg. of Writs, fol. 132.* Many of the Kings Liege People outlawed, and many waived by erroneous Process. Anno 7 Hen. 4. cap. 13. See *Outlaw*.

**Wakeman** (Sax.) The Chief Magistrate of the Town of Rippon in Yorkshire, so called; quasi, *Watchman.* Cam. Britan.

**Wald** (*Walda*) See *Weald*.

**Walkers**, Are those who are otherwise called *Foresters*. *Crompt. Jurisd. fol. 145.* There are Foresters assigned by the King, who are *Walkers* within a certain space of Ground assigned to their care.

**Wall or Sea-wall** (*Walla vel Wallia.*) See *Waterage*.

**Walletheria or Wallecheria.** — Quod quatuor villata propinquiores loco ubi casus homicidii vel infortunium contigerit, veniant ad proximum Comitatum, una cum inventore & Walletheria, i. Parentela hominis interfecit, & ibidem presentem factum feloniam & casum infortunii, &c. Reperio (says Spelman) in nota quadam A. Walletheria, i. Parentela interfecit, scilicet unus ex parte patris & alius ex parte matris. And concludes with — *Significat Wallica pars ut videtur.*

**Wang** (Sax.) A Field; also the Cheek or Jaw, wherein the Teeth are set. Hence with Chaucer we call the Cheek-Teeth or Grinders *Wangs* and *Wang-teeth*, which is also notified in that old way of sealing writings.

And in witness that this is soth,  
I bite the Waif with my Wang tooth.  
See *Wang*.

**Wangenetheof.** — *Maneriolum de A. sit quietum de Geth & Scorb, de Wecebo & de Wangenetheof & Danegeld, &c. Pat. 22 H. 4. par. 1. m. 23. Quere.*

**Wannage** (*Wannagium*) — Eodem anno (scil. 1198.) Rex Angl. accepit de unaquaque carucata terra five Hyda totius Anglia 5 Sol. de auxilio, ad quos colligendos misit idem Rex per singulos Comitatus Anglia unum Clericum & etiam unum militem — Qui fecerunt venire coram se Senescallos Baronum illius Comitatus, qui juraverunt quot Carucarum Wannagia fuerint in singulis villis, &c. Ipsi vero qui electi fuerant & constituti ad hoc negotium Regis faciendum, statuerunt per estimationem legalium hominum, ad uniuscujusque caruca Wannagium, centum acras terre. Hoveden. Annal. par. poster. fol. 443. num. 30. See *Wainage*. — Quod ego H. & heredes mei villas & edificia & Wannagia ad libitum nostrum in terris pronominationis faciemus, & claudemus xl acras terre ad excolendum vel ad tensandum, ad libitum nostrum. Mon. Angl. 2. par. fol. 612. a. Here Wannagia seems to signify *Wainbouses*, or necessary out-houses for Husbandry.

**Wapentake** (Sax. *paepen-geace, i. Arma tradere*) Is all one with that we call a *Hundred*, as appears by *Bracton* (lib. 3. tract. 2. cap. 1. num. 1.) *Convocentur postmodum servientes & Balivi Hundredorum & per ordinem* irro.

irrotulentur Hundredarii sive Wapentachia, & nomina servientium, &c. Nominis autem origo, non ab armorum tactu, ut Hovedeno traditum; sed hinc, quod quoties novus esset Hundredus Dominus, ei in subjectionis signum arma redderent vassalli, ut Ranulfo Cestrensi observatum. Lib. 1. cap. 5. Constat voce a wapen, arma, Weapons; Et Tactecan, tradere, reddere, to be-take. — Quod Angli vocant Hundredum, supradicti Comitatus vocant Wapentachium. LL. Edw. Conf. cap. 33. Sir Tho. Smith de Repub. Angl. cap. 16. says to this effect, That anciently Musters were taken of the Armor and Weapons of the several Inhabitants of every Wapentake, and from those that could not find sufficient Pledges for their good behaving, their Weapons were taken away, and delivered to others. Lambert (in his Explication of Saxon words, verbo, Centuria) says, This word is especially used in the Counties beyond Trent. The Statutes Anno 3 Hen. 5. cap. 2. — Hen. 6. cap. 10. And 15 Hen. 6. cap. 7. make mention of Stainliff Wapentake, and Irendes Wapentake in Craven in the County of York. See Cam. Britan. fol. 159. And Cokes 2 Part Instit. fol. 99. Wapentak, hoc est quietancia de feitis & Hundredis quod dicitur Wapentak. MS. in Bibl. Cotton. sub tit. Vitellius, c. 9.

**Warranty**, (Warrantia) Is a promise or Covenant by Deed, made by the bargainer for himself and his heirs, to warranty or secure the Bargainee and his heirs against all men, for the enjoying any thing agreed on between them. And he that makes this Warranty is called **Warrantor** by Bracton, lib. 2. ca. 19. & 37. It passeth from the Seller to the Buyer, from the Feoffee to the Feoffee, from him that releaseth, to him that is released from an Action real, and such like, and the form of it is thus *Et ego vero prefatus A. & heredes mei pradiatas quinque acras terre cum pertinentiis suis prefato B. hereditibus et assignatis suis contra omnes gentes warrantizabimus in perpetuum per presentes*. See Glanville, lib. 3. per totum. Bracton, lib. 5. Trafl. 4. Briton. ca. 105. & Coke, lib. 4. Nokes Case, fo. 81. a.

**Warranty**, Is either Real or Personal. Real, when it is annexed to Lands or Tenements granted for life, &c. and, this is either in deed, as by the word *Warrantizo* expressly; or in Law, as by the word *Dedi*, or some other amplification: Personal, which either respects the property of the thing sold, or the quality of it. Real Warrants, in respect of the Estate, is either *Lineal*, *Collateral*, or commencing by *Disseisin*; for which see Littleton in the last Chapter of his Tenures, and Coke, lib. 3. Termors Case, fo. 78. a. Under this word *heredes* are comprised all such as the first Warrantors Lands afterwards come unto, either by descent, or otherwise, ex causa hereditaria. Warrantizare nihil aliud est quam possidentem defendere. Fleta, lib. 3. ca. 15. Sect. 1. Bracton, lib. 2. ca. 16. nu. 10. By what words in a Feoffment a Feoffor shall be bound to Warranty, see the Statute of Bigamy, Anno 1 Ed. 1. ca. 6. See Coke on Litt. fo. 365.

a. & 383. b. Item utitur, quod si aliquis puerorum nostrorum in aliquo casu tenementa nostra tangenti, vocatur ad Warrantizandum, non tenetur Warrantizare nisi sit quatuordecim annorum. MS. Codex de LL. & Statutis Bargi-villæ Mount-gomer. a temp. Hen. 2.

There is also a **Warrant of Attorney**, whereby a man appoints another to do something in his Name, and warranteth his Action; which seems to differ from a *Letter of Attorney*, which passeth ordinarily under the hand and Seal of him that makes it, before any credible Witnesses; whereas a **Warrant of Attorney**, is a personal and mixt Action, and many real Actions, is of court put in by the Attorneys for the Plaintiffs or Demandants, Tenants or Defendants; but, a **Warrant of Attorney**, to suffer a Common recovery by the Tenant or Vouchee, is acknowledged before such persons, as a Commission for the doing thereof directeth. West. Par. 2. Symb. tit. Recoveries, Sect. 1. F. See Attorney, and Letter of Attorney.

**Ward**, (Sax. weard, i. Vigilia. item Custos) Has divers applications, as a **Ward in London**, Latin'd **Warda**, which is a portion of the City committed to the special charge of one of the twenty-four Aldermen, &c. See Stoves Survey. Secondly, A Forest is divided into **Wards**, Manwood, par. 1. pa. 97. Thirdly, A Prison is also called a **Ward**. Lastly, The heir of the Kings Tenant, holding by Knight-service, or in Capite, or of any common person by Knights-service, was called a **Ward** during his nonage, Anno 32 Hen. 3. ca. 46. But, this last, with the Court of Wards, and all Wardships, &c. is taken away by the Stat. 12 Car. 2. ca. 24.

**Wards and Liberties**, (Wards & liberata) Was a Court first erected in King Henry the Eighth time, and afterwards augmented by Him, with the Office of *Liveries*, and therefore called by Him, The Court of Wards and Liveries, now taken away & discharged by Stat. 12 Car. 2. ca. 24.

**Warrantia Chartæ**, Is a Writ, that lies properly for him, who is enfeoffed in Lands or Tenements, with Clause of Warranty, and is impleaded in an *Affise*, or *Writ of Entry*, wherein he cannot vouch, or call to Warranty; In which case his remedy is, to take out this Writ against the Feoffor or his heir. Reg. of Writs, fo. 157. Fitz. Nat. Br. fo. 134. & Fleta, lib. 6. ca. 35.

**Warrantia diei**, Is a Writ lying in case, where a man, having a day assigned personally to appear in Court to any Action wherein he is sued; is, in the mean time, by Commandment, employ'd in the Kings Service, so that he cannot come at the day assigned. The Writ is directed to the Justices to this end, that they neither take nor record him in default for that day, Reg. of Writs, fo. 18. Fitz. Nat. Br. fo. 17. & Glanville, lib. 1. ca. 8.

**Warrantia Custodie**, Is a Writ judicial, that lay for him, who was challenged to be Ward to another, in respect of Land said to be holden in Knight-service, which, when it was bought by the Wards Ancestors, was Warranted to

to be free from such thralldome; and, it lay against the **Warrantor** and his Heirs. Reg. jud. fo. 36. But, by the Statute 12 Car. 2. ca. 24. it is now become useless.

**Wardage**, (Wardagium) — Sed sint quieti de quolibet Theolonia, Tallagio, Passagio, Pedagio Lassagio, Hidagio, Wardagio, & omnibus Geldis, Fengelid, Horngeldis, Forgelidis, Fenigeldis, Tendpenigs, Hunderpenigs, & Dishemellig, Wzenalpeninge, Gzitzbzegs, &c. Carta Gilberti Tison summi Vexillatoris Angliæ. Sine Dat. It seems to be the same with **Wardpeny**, which see.

**Wardstaf**. — Lambourn Mannor in Essex is held by Service of the **Wardstaf**, viz. to carry a Load of Straw in a Cart with six Horses, two Ropes, two men in Harness to watch the said **Wardstaf**, when it is brought to the Town of Abridge, &c. Cam. tit. Essex.

**Wardseoh**, or **Wardsegh**. Sciant presentes & futuri quod ego Henricus de la Morton dedi — Rogero de Foresta & Johanna uxori sue pro duodecim solidis & sex denariis quæ mihi dederunt pre manibus unam acram terre meæ de tribus solombus, &c. Reddendo inde annuatim ad Festum Sancti Michaelis mihi & heredibus meis unum denarium pro omni servitio, herietto, relevio, warda, regali servicio, **Wardsegh** & pro omni moda scilicet Curia meæ & heredum meorum & assignatorum nostrorum & pro omnibus consuetudinibus & exactionibus, &c. Sine dat. It signify'd the value of a **Ward**, or the money paid to the Lord for his redemption from **Wardship**.

**Warden**, (Gardianus) Is all one with the **Fr. Gardem**, and signifies him that has the keeping, or charge of any person, or thing by Office; as **Wardens** of the Fellowships in London, Anno 14 Hen. 8. ca. 2. **Warden-Courts**, 31 Hen. 6. ca. 3. **Warden** of the Marches, 4 Hen. 7. ca. 8. **Wardens** and Communalty of the lands contributory to Rochester-Bridge, 18 Eliz. ca. 7. **Wardens** of Peace, 2 Ed. 3. ca. 3. Stat. Northampton. **Warden** of the West-Marches, Cam. Brit. pa. 606. **Warden** of the Forest, Manwood, Par. 1. pa. 42. & 111. **Warden** of the Aulnage, 18 Hen. 6. ca. 16. **Warden** of the Kings Wardrobe, 51 Hen. 3. Stat. 5. **Wardens** of the Tables of the Kings Exchange, 9 Edw. 3. Stat. 2. ca. 7. & 9 Hen. 5. Stat. 2. ca. 4. **Wardens** of the Rolls of the Chancery, 1 Ed. 4. ca. 1. & 5. **Warden**, or Clerk of the Hanaper of the Chancery, ibidem. **Warden** of the Kings Writs and Records of his Common Bench, ibidem. **Warden** of the Kings Armour in the Tower, 1 Ed. 4. ca. 1. **Warden** of the House of Converts, 12 Car. 2. ca. 30. **Warden** of the Scanneries, 14 Car. 2. ca. 3. See **Gardian**.

**Wardmote**, (Wardemotus) Is a Court kept in every Ward in London (Anno 32 Hen. 8. ca. 17.) ordinarily call'd among them the **Wardmote Court**. vide Cart. Hen. 2. de libertatibus London, where there are 26 Wards, which are as Hundreds, and the Parishes as Towns 4 Inst. fo. 249.

**Wardpeny**, alias **Warpem**, & **Wartpeny**. Denarii vicecomiti vel alius Castellani perfoluit

ob castrorum presidium, vel excubias agendas. — Concedo etiam eidem Ecclesiæ leugam circumquaque adjacentem liberam, & quietam ab omni geldo & scilicet & Hidagio & danegeldo & opere pontium & Castellorum & parcorum & omnibus auxiliis, placitis, & querelis, & fivis, & Hundredis; cum saca & soca, & Thol & Team, & Infrangtheof & **Warpem**, & Lestage, & Ham-soene, & forstal, & Bludwite, &c. Chart. Gul. Cong. Ecclesiæ S. Martini de Bello. — Retinui vero mihi & heredibus meis **Wartpeny** & **Peterspeny**, de prædicta terra. Carta Bertram de Verdon. penes W. Dugdale Ar.

**Wardwite**, Significat quietantiam misericordie in casu quo non invenit quis hominem ad Wardam faciendam in casu vel alibi. Fleta, lib. 1. ca. 47. Immunitas a speliis faciendis, vel ab eorum contributione. Spelm.

**Waredum**, & terra **wareda**. (Fr. Terre garee) Land that has been neglected, and long untill'd; also Fallow ground. Tempus **wareda**, in ancient Records, signifies the time wherein Land lies Fallow, the Fallow year, or season for Fallowing Land. — In **Waredis**, in brueris, in boschis, in mariscis, in defensionibus, et in omnibus terris, &c. Mon. Angl. 2. Par. fo. 253. a. — xxxv acras uno quoque anno ad seminandum, et totidem ad Wareandum. Idem. 1. Par. fo. 525. b. See **Wernagium**.

**Waren**, (Varenna, from the Germ. **Wahren**, i. Custodire) Is a Franchise, or place privileged, either by prescription or grant from the King, to keep Beasts and Fowle of **Vwaren**, which are Hares and Conies; Partridges and Feasants. If any person offend in such **Free-waren**, he is punishable for the same by the Common Law, and, by Statute 21 Ed. 3. called the Statute de malefactoribus in parvis et chaceis, &c. Videtur tamen Justiciarius hic et Concilio Dom. Regis, quod Capreoli sunt bestia de Warena et non de Foresta, eo quod fugant alias bestias de Warena. Hill. An. 13 Ed. 3. Ebor. Rot. 136.

**Warnoth**. — Inter Record. de Receipt. Scacc. Trin. 33 Ed. 1. Linc. 46. coram Rege, I find it to be an ancient Custom, whereby, if any Tenant, holding of the Castle of Dover, faild in paying his Rent at the day, he should forfeit double, and, for the second failer, treble, &c. And, in Mon. Angl. 2. Par. fo. 589. a. — Terris cultis & terris de **Warnoth**

**War-scet**. Was the contribution that was made towards Armor, or War, in the Saxons time. Sint omnes tam primarii quam mediocres et minuti, immunes, liberi et quieti ab omnibus provincialibus, summationibus et popularibus placitis quæ Hundred laghe Angli dicunt, et ab omnibus armorum oneribus, quod **War-scet** Angli dicunt et forinsecis querelis. LL. Forest. Canuti Regis. num. 9.

**Wartwite**. See **Vwardwite**.

**Waste** (Vastum, Sax. wast) Hath divers significations; first, it is a spoil made either in Houses, Woods, Lands, &c. by the Tenant for life or years, to the prejudice of the Heir, or of him in the Reversion or Remainder. Kitchin, fol. 168, &c. Whereupon the Writ of

irrotulentur Hundredarii sive Wapentachia, & nomina servientium, &c. Nominis autem origo, non ab armorum tactu, ut Hovedeno traditum; sed hinc, quod quoties novus esset Hundredi Dominus, et in subjectionis signum arma redderent vassalli, ut Ranulfo Cestrensi observatum. Lib. 1. cap. 5. Conflata voce a wapen, arma, Wapentach; Et Wapentach, tradere, reddere, to be take. — Quod Angli vocant Hundredum, supradicti Comitatus vocant Wapentachium. LL. Edw. Conf. cap. 33. Sir Tho. Smith de Repub. Angl. cap. 16. says to this effect, That anciently Musters were taken of the Armor and Weapons of the several Inhabitants of every Wapentake, and from those that could not furnish sufficient Pledges for their good abearing, their Weapons were taken away, and delivered to others. Lambert (in his Explication of Saxon words, verbo, Centuria) says, This word is especially used in the Counties beyond Trent. The Statutes Anno 3 Hen. 5. cap. 2. — 3 Hen. 6. cap. 10. And 15 Hen. 6. cap. 7. make mention of Stainclif Wapentake, and Irendles Wapentake in Craven in the County of York. See Cam. Britan. fol. 159. And Cokes 2 Part Instit. fol. 99. Wapentak, hoc est quietancia de feidis & Hundredis quod dicitur Wapentak. MS. in Bibl. Cotton. sub tit. Vitellius, c. 9.

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**Warranty**, Is either Real or Personal. Real, when it is annexed to Lands or Tenements granted for life, &c. and, this is either in deed, as by the word *Warrantizo* expressly; or in Law, as by the word *Dedi*, or some other amplification: Personal, which either respects the property of the thing sold, or the quality of it. Real Warranty, in respect of the Estate, is either Lineal, Collateral, or commencing by Dissolution, for which see *Litton* in the last Chapter of his Tenures, and *Coke*, lib. 3. *Fermors Case*, fo. 78. a. Under this word heredes are comprised all such as the first Warrantors Lands afterwards come unto, either by descent, or otherwise, ex causa hereditaria. Warrantizare nihil aliud est quam possidendum defendere. *Fleta*, lib. 5. ca. 15. See 1. *Bracton*, lib. 2. ca. 16. nu. 1. c. By what words in a Feoffment a Feoffor shall be bound to Warranty, see the Statute of Bigamy, Anno 4 Ed. 1. ca. 6. See *Coke* on Litt. fo. 365.

a. & 383. b. Item utitur, quod si aliquis puerorum nuperorum in aliquo casu Tenementa nostro tangenti, vocatur ad Warrantizandum, non tenetur Warrantizare nisi sit quatuordecim annorum. MS. Codex de LL. & Statutis Bargi-villæ Mount-gomer. a temp. Hen. 2.

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**Ward**, (Sax. weard, i. Vigilia. item Custos) Has divers applications, as a *Ward* in *London*, Latin'd *Warda*, which is a portion of the City committed to the special charge of one of the twenty-four Aldermen, &c. See *Stoves Survey*. Secondly, A Forest is divided into *Wards*, *Manwood*, par. 1. pa. 97. Thirdly, A Prison is also called a *Ward*. Lastly, The heir of the Kings Tenant, holding by knight-service, or in Capite, or of any common person by knight-service, was called a *Ward* during his nonage, Anno 32 Hen. 3. ca. 46. But, this last, with the Court of *Wards*, and all *Wardships*, &c. is taken away by the Stat. 12 Car. 2. ca. 24.

**Wards and Liberties**, (Ward & libertas) Was a Court first erected in King Henry the Eighth's time, and afterwards augmented by Him, with the Office of *Livories*, and therefore called by Him, The Court of *Wards and Liberties*. now taken away & discharged by Stat. 12 Car. 2. ca. 24.

**Warrantia Chartæ**, Is a *Writ*, that lies properly for him, who is enfeoffed in Lands or Tenements, with Clause of *Warranty*, and is impleaded in an *Assise*, or *Writ of Entry*, wherein he cannot vouch, or call to *Warranty*; in which case his remedy is, to take out this *Writ* against the Feoffor or his heir. *Reg. of Writs*, fo. 157. *Fitz. Nat. Br.* fo. 134. & *Fleta*, lib. 6. ca. 35.

**Warrantia diei**, Is a *Writ* lying in case, where a man, having a day assigned personally to appear in Court to any Action wherein he is sued; is, in the mean time, by Commandment, employ'd in the Kings Service, so that he cannot come at the day assigned. the *Writ* is directed to the Justices to this end, that they neither take nor record him in default for that day, *Reg. of Writs*, fo. 18. *Fitz. Nat. Br.* fo. 17. & *Glanville*, lib. 1. ca. 8.

**Warrantia Custodia**, Is a *Writ* judicial, that lay for him, who was challenged to be *Ward* to another, in respect of Land laid to be holden in *Knight-service*, which, when it was bought by the *Wards* Ancestors, was *Warranted*

to

to be free from such thralldome; and, it lay against the *Warrantor* and his Heirs. *Reg. jud.* fo. 26. But, by the Statute 12 Car. 2. ca. 24. it is now become useles.

**Wardage**, (Wardagium) — Sed sint quieti de quolibet Theolonio, Tallagio, Passagio, Pedagagio, Ladagio, Hidagio, Wardagio, & omnibus Geldis, Fongeldis, Horngeldis, Fongeldis, Fenigeldis, Tendpenigis, Hundepenigis, & Wischemelg, Wzenalpeninge, Gzibbzegs, &c. Carta Gilberti Tison summi Vexillarii Anglie. Sine Dat. It seems to be the same with *Wardpeny*, which see.

**Wardshaf**. — Lambourn Mannor in Essex is held by Service of the *Wardshaf*, viz. to carry a Load of Straw in a Cart with six Horses, two Ropes, two men in Harnesse to watch the said *Wardshaf*, when it is brought to the Town of *Abridge*, &c. *Cam. tit. Essex*.

**Wardship**, or **Wardfegh**. Sciant presentes & futuri quod ego Henricus de la Morton dedi — Rogero de Foresta & Johanna uxori sue pro duodecim solidis & sex denariis que mihi dederunt pre manibus unam acram terra mea de tribus scilicet, &c. Reddendo inde annuatim ad Festum Sancti Michaelis mihi & hereditibus meis unum denarium pro omni servitio, herietto, & relevio, warda, regali servicio, **Wardfegh** & pro omnimoda seita Curia mea & heredum meorum & assignatorum nostrorum & pro omnibus consuetudinibus & exactionibus, &c. Sine dat. It signify'd the value of a *Ward*, or the money paid to the Lord for his redemption from *Wardship*.

**Warden**, (Gardianus) Is all one with the *Fr. Gardain*, and signifies him that has the keeping, or charge of any person, or thing by Office; as *Wardens* of the Fellowships in *London*, Anno 14 Hen. 8. ca. 2. *Warden-Courts*, 31 Hen. 6. ca. 3. *Warden* of the Marches, 4 Hen. 7. ca. 8. *Wardens* and Communality of the lands contributory to *Rocheſter-Bridge*, 18 Eliz. ca. 7. *Wardens* of Peace, 2 Ed. 3. ca. 3. *Stat. Northampton*. *Warden* of the West-Marches, *Cam. Brit. pa.* 606. *Warden* of the Forest, *Manwood*, par. 1. pa. 42. & 111. *Warden* of the Aulnage, 18 Hen. 6. ca. 16. *Warden* of the Kings Wardrobe, 51 Hen. 3. Stat. 5. *Wardens* of the Tables of the Kings Exchange, 9 Edw. 3. Stat. 2. ca. 7. & 9 Hen. 5. Stat. 2. ca. 4. *Wardens* of the Rolls of the Chancery, 1 Ed. 4. ca. 1. & 5. *Warden*, or Clerk of the Hanaper of the Chancery, *ibidem*. *Warden* of the Kings Writs and Records of his Common Bench, *ibidem*. *Warden* of the Kings Armour in the Tower, 1 Ed. 4. ca. 1. *Warden* of the Houſe of Converts, 12 Car. 2. ca. 30. *Warden* of the Stanneries, 14 Car. 2. ca. 3. See *Gardian*.

**Wardmote**, (Wardemotus) Is a Court kept in every *Ward* in *London* (Anno 32 Hen. 8. ca. 17.) ordinarily call'd among them the *Wardmote Court*. vide *Cart. Hen. 2. de libertatibus London*, where there are 26 *Wards*, which are as *Hundreds*, and the Parishes as *Towns* 4 *Inſt.* fo. 249.

**Wardpeny**, alias **Warpenn**, & **Wardthpeny**. Denarii vicecomitis vel alius Castellani perſoluti

ob caſtrorum praſidium, vel excubias agendas. — Concedo etiam eidem Eccleſie locum circum- quaque adjacentem liberam, & quietam ab omni geldo & ſello & Hidagio & danegeldo & opere pontium & Caſtellorum & parcorum & omnibus auxilii, placiti, & quereli, & ſtris, & Hundredis; cum ſaca & ſuca, & Thol & Theam, & Inſangtheof & **Warpenn**, & Leſtage, & Hamſocne, & forſat, & Blodwite, &c. *Chart. Gul. Conq. Eccleſie S. Martini de Bello*. — Retinui vero mihi & hereditibus meis **Wardpeny** & **Peterspeny**, de praediſta terra. *Carta Bertram de Verdon. penes W. Dugdale Ar.*

**Wardwite**, Significat quietantiam miſericordie in caſu quo non invenit quis dominum ad Wardam faciendam in caſtra vel alibi. *Fleta*, lib. 1. ca. 47. Immunitas a praſidiu faciendu, vel ab eorum contributione. *Spelm.*

**Warectum**, & terra warena. (Fr. Terre garce) Land that has been neglected, and long untill'd; alſo Fallow ground. Tempus warecti, in ancient Records, ſignifies the time wherein Land lies Fallow, the Fallow year, or ſeaſon for Fallowing Land. — In Warectis, in brueris, in boſcu, in maricis, in deſenſis, et in omnibus terris, &c. *Mon. Angl.* 2. Par. fo. 253. a. — xxxv acras uno quoque anno ad ſeminandum, et totidem ad Warectandum. *Idem*. 1. Par. fo. 525. b. See *Turnagium*.

**Waren**, (Varenna, from the Germ. **Wahren**, i. Cuſtodire) Is a Franchiſe, or place privileged, either by preſcription or grant from the King, to keep Beaſts and Fowle of Vwaren, which are Hares and Conies; Partridges and Feaſants. If any perſon offend in ſuch Free-waren, he is puniſhable for the ſame by the Common-Law, and, by Statute 21 Ed. 3. called the Statute de malefactoribus in parcu et chaceis, &c. Videtur tamen Juſticiariis hic et Concilio Dom. Regis, quod Capreoli ſunt beſtia de Warena et non de Foreſta, eo quod fugant alias beſtias de Warena. *Hill. An.* 13 Ed. 3. *Ebor. Rot.* 136.

**Warnoth**, — Inter Record. de Recept. Scacc. Trin. 33 Ed. 1. *Linc.* 46. coram Rege, I find it to be an ancient Cuſtom, whereby, if any Tenant, holding of the Caſtle of Dover, faild in paying his Rent at the day, he ſhould forfeit double, and, for the ſecond tailer, treble, &c. And, in *Mon. Angl.* 2. Par. fo. 589. a. — Terris cultis & terris de warnoth

**Warſect**, Was the contribution that was made towards Armor, or War, in the Saxons time. Sint omnes tam primarii quam mediocres et minuti, immunes, liberi et quieti ab omnibus provincialibus, ſummonitionibus et popularibus placitis que Hundred laghe Angli dicunt, et ab omnibus armorum oneribus, quod **Warſecot** Angli dicunt et forinſecis querelis. LL. *Forest. Canuti Regis.* nu. 9.

**Wardwite**. See *Wardwite*.

**Wade** (Vaſtum, Sax. wead) Hath divers ſignifications; firſt, it is a ſpoil made either in Houſes, Woods, Lands, &c. by the Tenant for life or years, to the prejudice of the Heir, or of him in the Reversion or Remainder. *Kitchin*, fol. 168, &c. Whereupon the *Writ* of

Y y

Vvaffe

**Waffe** is brought for recovery of the thing waited, and trebble damages. See *Vasso*. **Waffe** of the Forest is most properly, where a Man cuts down his own Woods within the Forest, without Licence of the King or Lord Chet Justice in Eyre. See *Manwood*, 2 Part, cap. 8. num. 4 & 5.

Secondly, **Waffe** is taken for those Lands which are not in any one Mans occupation, but lie common, which seem to be so called, because the Lord cannot make such profit of them, as he does of his other Lands, by reason of that use which others have of it, in passing to and fro. Upon this none may build, cut down Trees, dig, &c. without the Lords Licence.

Thirdly, *Year, day, and Waffe*, (*Annus, Dies, & Vastum*) Is a punishment or forfeiture belonging to Petit-Treason or Felony, whereof you may read *Stamf. Pl. Cor. lib. 3. cap. 30.* And see *Year, Day, and Waffe*.

**Waste-ground** (*Vastus fundus*) Is so called, because it lies as **Waste**, with little or no profit to the Lord of the Mannor, and to distinguish it from the Demesns in the Lords hands. 2 Part *Inf. fol. 656.* See *Waste*.

**Wastors** (*Anno 5 Edw. 3. cap. 14.*) Were a kinde of Thieves so called. — *There have ben* (says the Statute) *divers Wastlaughers, Felonies, and Robberies done by People, called Wastorsmen, Wastors, and Wast-larches.* 4 Hen. 4. cap. 27.

**Wastel Bread** (*Anno 5 Hen. 3. Statute of Bread*) Forc a **Wastel**, *Belgis jejunare*; unde illis **Wastelabond**, Shrovetide. Vox autem unde venit, non liquet, says the *Gloss. in x. Scriptores*. See *Cocket*.

**Water-bailiffe**, Seem to be Officers in Port-Towns, for the searching of Ships. *Anno 28 Hen. 6. cap. 5.* Also an Officer so called belonging to the City of London, who hath the supervision and search of Fish brought thither, and the gathering of the Toll, rising from the *Thames*. He also attends on the Lord Major for the time being, and hath the principal care of Marshalling the guests at his Table, and doth Arrest Men for debt, or other personal or criminal Matters upon the River of *Thames*, by Warrant of his Superiors.

**Watergage** (*Watergagium & Aquagagium*) A Sea-wall or Bank to stop or restrain the current, or overflow of the Water; also an Instrument to gage or measure the profundity or quantity of any Waters.

**Watergang** (*Watergangium*, Sax. *water-gang*, i. *Decursus aqua*) A Trench, Trough, or Course, to carry a Stream of Water: Such, I conceive, as are usually made in Sea-walls, to loose and drain Water out of the Marshes. Some Authors confound this with **Watergage**, but they seem to have different significations. *Carta Hen. 3. De Ordinatione Marisci de Romney, &c. Ad reparandum Wallas & Watergangias ejusdem Marisci contra Maris periculum.* — *Omnibus Balivis de Befintone, Robertus de Curci salutem, Mando vobis atque pra-*

*cipio, quatenus justiciis meos homines de Snargate, ut faciant Wallas & Watergangas & clausuras Wallarum, sicut debent facere, & si facere noluerint, tum justiciis illas ut faciant, &c.* Mon. Angl. 2 par. fol. 920. b.

**Watergabel**, — *Henricus* — *Rex, salutem. Sciatis nos dedisse* — *dicto & fideli nostro* Huberto de Burgo, Comiti Kantia, & Margaria uxori sua redditum xxxii s. & iv d. quem homines eorundem Huberti & Margaria de Manerio suo de Elmour nobis reddere solebant singulis annis per manum Balivi nostri de Mentstretworth, nomine **Watergabel**, Habend. &c. Dat. 15 Hen. 3. This was a Rent paid for fishing in, or other benefit received from, some River or Water.

**Watlingstreet** (*Anno 39 Eliz. cap. 2.*) Is one of those four ways, which the Romans are said to have made here, and called *Consulares, Pratorias, Militares, Publicas*. This Street is otherwise called *Werlamstreet*, and leads from Dover to London, Donstable, Touceter, Atterston, and the Severn, near the Wreckyn in Shropshire, extending it self to Anglesey in Wales.

The second is called *Ikenildstreet*, stretching from Southampton over the River *Ist*, at Newbridge; thence by Camden and Litchfield, then it passeth the River *Derwent* near Derby, so to *Bolsover Castle*, and ends at *Tinmouth*.

The third was called *Fosse*, because in some places it was never perfected, but lies as a large ditch; leading from Cornwall, through Devonshire by Teisbury, near Stow in the Wolds; and besides Coventry to Leicester, Newark, and so to Lincoln, &c.

The fourth was called *Ermin* or *Erminagestreet*, stretching from S. Davids in West-Wales unto Southampton. See *LL. Edw. Conf. cap. 12.* whereby these *Quatuor Chemini*, or Four Publick Ways had the privilege of *Pax Regis*.

**Warshot** or **Waxscot** (*Ceragium*) Tributum quod in Ecclesiis pendebatur, ad subministrandam cera & luminarium. **War**, cera & Shot, symbolum. Hac autem solutione multi se contendunt immunes esse a minoribus quibusdam decimis persolvendis. Ejusdemque generis sunt, quae alias **Cock**, & **War**, alias **Wainepozt** appellantur. Spelm. This **Waxscot** was anciently paid thrice a year towards the charges of Candles in Churches.

**Wap**. See *Chimin*.

**Wade** (for so they anciently wrote) **Wood**. See *Strond*.

**Weald** or **Weld** (Sax. *weald*, i. *Sylvae, desertum*) Is the Woody part of a Countrey, as the **Weald of Kent**. *Cam. Britan. pag. 247.* *Anno 26 Hen. 8. cap. 7.* In the Collection of Statutes, 14 Car. 2. cap. 6. It is mis-printed **Wildes** of Surrey, Sussex or Kent, for **Wealds**.

**Wear** or **Werre** (*Wera & Wara*, Sax. *weap*) A Stank or great Dam in a River, well known, accommodated for the taking of Fish, or to convey the stream to a Mill. — *Unam Waram & duas Cotlandas cum Dominio & prao.* Mon.

*Mon. Angl. 2 par. fol. 128.* And I have seen an old Deed with *Boera stans in aqua*, supposed to signifie a **Wear**. See *Kiddel*.

**Weif**. See *Waif*.

**Weight** (*Waga*) Is a Weight of Cheese or Wool, containing Two hundred fifty six pounds of *Avoir du pois*. See *Waga*. *Cokes 12 Rep. fol. 17.* mentions Eighty **Weight** of Bay-Salt. See *Waga*.

**Weights** (*Pondera*) There are two sorts of them in use with us: The one called *Troy Weight*, which hath Twelve ounces to the Pound, by which, Pearl, Precious Stones, Electuaries, and Medicinal things, Gold, Silver, and Bread, are weighed: The other *Avoir de pois* containing Sixteen ounces to the pound, by which all other things are weighed, that pass by weight. *Geo. Agricola* in his Learned Treat *De ponderibus & Mensuris*, pag. 339. termeth the Pound of Twelve ounces *Libram Medicam*, and the other *Libram Civilem*, saying thus, *Medica et Civilis Libra, numero non gravitate unciarum differunt*. By these words *Avoir du pois* are sometimes signified such merchandise as are bought and sold by this kinde of Weights. The first Statute of York, 9 Edw. 3. in *Proam. 27 Edw. 3. stat. 2. cap. 10.* And 24 Hen. 8. cap. 13.

All our Weights and Measures have their first composition from the Penny Sterling, which ought to weigh Thirty two Wheat Corns of a middle sort, Twenty of which pence make an ounce, and Twelve such ounces a Pound; but Fifteen ounces make the Merchants Pound, (*Fleta, lib. 2. cap. 12.*) which (though an ounce less) should probably be all one in signification with *Avoir du pois 3* and the other Pound, called by *Fleta*, *Troy Weight*, plainly appears to be all one, with that we now call *Troy Weight*. See *Ironage*. From henceforth there shall be one Weight, one Measure, and one Pard, according to the Standard of the Exchequer, throughout all the Realm, &c. *Anno 17 Car. 1. cap. 19.*

**Weights of Auncel** (*Anno 14 Edw. 3. stat. 1. cap. 12.*) See *Auncel Weight*.

**Wepthe**. — *Et omnia animalia adventientia fugitiva, Gallice Wepthe*, in toto Hundredo de Halton. *Mon. Angl. 2 par. fol. 187. b.* See *Waif*.

**Wend** (*Wendus*, i. *Perambulatio, circuitus*, from the Sax. *pendan*, to *wend*, *Meare*) Procius terra amplior, plurima juga in se continens. *Rentale Regalis Manerii de Wy, pag. 31.* — *Tres sunt Wendis, viz. Dountwend, Chiltones Wend, & Wonsford Wend, & in quolibet Wendis sunt decem juga, & sic in tribus Wendis sunt 30 juga, quorum 26 juga & dimid. sunt in Wy, &c.* Et infra. *Quilibet Wendus faciet 10 averagia semper de tribus septimanis in tres, &c.*

**Werre** alias **Werre** (Sax. *pepe & pespa*, i. *pretium*) Signifies as much as *astimatio capitis* or *pretium hominis*, that is, so much as one paid in ancient time for killing a Man; when such crimes were punished with pecuniary

multis, not death. In *LL. Edw. Conf. cap. 11.* We read — *Were suum — id est, Pretium suae redemptionis*, his ransom. — *Si quis ante Comitum in placito pugnaverit, emendet secundum pretium sui ipsius & forisfacturam, quod Angli dicunt pepe & pite.* *Can. LL. MS. pag. 150.* In which words the Saxon *p* (*w*) is often mistaken into *p*, and written *Pere* and *Pite*. See *Pere* and *Pite*, and see *Cavelet*.

**Weregelt-theft**, Significat latronem qui redimi potest. *Fleta, lib. 1. cap. 47. alfo.*

**Wergild**, **Wergeld** (*Wergildus*) Pretium seu valor hominis occisi, homicidii pretium; which was paid partly to the King, for the loss of His Subject, partly to the Lord, whose Vassal he was, and partly to the next of kin. — *Quidam (crimina) emendari non possunt; quae sunt Husbzecz, Bernet & Wpenthez, & Chere-mozd, & Lafordith, & infraclio pacis Ecclesiae, vel per Manus Regis per homicidium.* *LL. Hen. 1. cap. 13.* In which Chapter, the crimes are enumerated, which might be redeemed per *Weram*. — *De unoquoque fure per totam Sentiam est Wergelt 30 Vacca & una juvenca, siue fuerit liber homo siue servus.* *Reg. Majest. lib. 4. cap. 19.* The **Wergeld** of an Archbishop and of an Earl was 15000 *Libras*. *Seldens Titles of Honor, fol. 604.*

**Weretoff**. — *Et sint quieti de communi misericordia Comitatus, de Wardpenny & Averpenny, de Hundredpenny, & Thirldingpenny, de Weretoff & de Forfeng.* *Carta Hen. 1.* from the Sax. *pepe-to-pon*, i. To take a ransom or price for killing a Man. See *Were*.

**Werbagtum**. — *Cum omnibus aliis consuetudinibus, legibus & libertatibus suis & Wervagio suo ut lande & ut grande.* *Carta Hen. 3. Leveshamensi Ctenob. Quare.*

**Wierl Saronlage** alias **Wierl Serenlage**, Was the Law of the West Saxons. See *Merchenlage*.

**Westminster** (*Westmonasterium*) Sax. *Wet-mynstecp*, i. *Occidentale Monasterium*) Was the ancient Seat of our Kings, and is now the well known place where the High Court of Parliament, and Courts of Judicature sit: It had great Priviledges granted by Pope Nicholas, among others — *Ut amplius in perpetuum Regiae constitutionis locus sit atque repositorium Regalium Insignium.* *Ep. ejus ad div. Edoward. Concil. Tom. 3. B. fol. 1228.* See *City*. And 4 *Inf. fol. 255.*

**Wetecroft**. — *Habebit mensuram unam, sc. Wetercroft, cum orto, ubi possit manere, &c.* *Mon. Angl. 2. par. fol. 40. b.*

**Wharf** (*Wharfa*) Is a broad plain place near a Creek or Hith of the Water, to lay Wares on, that are brought to, or from the Water. *New Book of Entries, fol. 3.* *Anno 12 Car. 2. cap. 4.*

**Wharfage** (*Wharfagium*) Is Money paid for Landing Wares at a Wharf, or for Shipping or taking Goods into a Boat or Barge, from thence. It is mentioned *Anno 27 Hen. 8. cap. 26.* And 22 *Car. 2. cap. 11.*

**Wharfinger**,



**Wharfinger**, Is he that owns or keeps a Wharf, or hath the over-sight or management of it. Anno 7 Edw. 6. cap. 7. 12 Car. 2. cap. 4. And 22 Ejsd. cap. 11.

**Whelge** (Rotaticum, Fr. Rouge) Tributum est quod rotarum nomine penditur; hoc est, pro plausibus & carris transiensibus. Spelm.

**Whitcheart-silver** (Candidi cervi argentum) Is a Tribute or Mulct paid into the Exchequer, out of certain Lands in or near the Forest of Whitehart; which hath continued from Henry the Third's time, who imposed it upon Thomas de la Linde, for killing a most beautiful White Hart, which that King before had purposely spared in Hunting. Cam. Brit. pag. 150.

**Whitberent**. See Quiverent.

**White Spurs**, A sort of Esquires so called. See Esquires.

**White-straits**, A kinde of course Cloth, made in Devonshire, of about a yard and half quarter broad raw; and mentioned Anno 5 Hen. 8. cap. 2.

**Whitson-farthings** (see Pentecostals) mentioned in Letters Patent of Henry the Eighth, to the Dean and Chapter of Worcester.

**Widow of the King** (Vidua Regis) Was she, who after her Husbands death, being the Kings Tenant in Capite, was driven to recover her Dower by the Writ De Dote Assignanda, and could not marry again without the Kings consent. Stamf. Prærog. cap. 4. see the Statute of the Prærog. Anno 17 Edw. 2. Mag. Char. cap. 7. And 32 Hen. 8. cap. 46.

**Widowhood** (Viduitas) The state or condition of a Widow. Sciant presentes & futuri, quod ego Margeria qua fuit uxor Ricardi Smith de Birchore (Com. Heref.) in Viduitate & in legitima potestate mea, remisit, relaxavi, &c. Dat. apud Birchore die Dominica in Fest. Nativitatis Sancti Johannis Baptiste, Anno 9 Hen. 4.

**Will or Last Will** (Testamentum, ultima voluntas) Is of two sorts, a Will in Writing, called also a Testament, and a Will by word of mouth onely, called a Nuncupative Will, which being proved by witnesses, may be of as good force, as that in writing; except onely for Lands, which are not devisable, but by a Testament put in writing in the Life of the Testator. See Touchstone of Wills, pag. 2.

Ex codice MS. nuncupativo  
March penès Registrar. Curie  
Prærog. Domini Archiepif.  
Cantuar. Qu. 7.

IN nomine Patris & Filii & Spiritus Sancti, Amen. The seventeenth day of September, the per of our Lord Jhu Crist a thousand four hundred and four, I Lowys Clyfforth fals and traytours to my Lord God, and to alle the blessed company of Hevene,

and untoozthi to be cleppd a Cristen man, make and ordeyne my Testament, and my last will in this manere.

At the begynnyng, I most untoozthi and Goddys tratour, recommaund my tozechid and soule Sowle holy to the grace, and to the grete mercy of the bleasfull Trynyty; and my tozechid careyne to be berped in the ferthest corner of the Chircheperd, in which parish my tozechid soule departeth fro my body.

And I pray and charge my Surbiboys and my Executoys as they wolten answere to fore God, as all myne houle trest in this matere is in hem, that on my stinking careyne be neyther leyd clothe of gold ne of silke, but a blake clothe, and a Taper at myne hed, and another at my fete, ne ston ne other thinge, whereby eny man may witte tohere my stynkyng careyne liggeth. And to that Chirche do myne Executoys all thingis which owen duty in such caas to be don, without eny moze cost saaf to poze men.

And also I pray my Surbiboys and myne Executoys that eny dette that eny man kan are me by true title, that hit be payd. And if eny man kan trewly sey that I habe do him eny harme in body or in good, that he make largely his gre tipples the goodys wole strecche.

And I wole also, that none of myne Executoys meddle or mynspere eny thinge of my goodys withouten abyse and consent of my Superbiboys or sum of hem.

Now first I bequethe to Sire Phylype la Vache knyght my Walle-boke, and my Portos; and my boke of Tribulation to my daughter hys wif.

Et quicquid residuum fuerit omnium & singulorum bonorum & cattallorum superius seu inferius non legatorum, do integre & lego Philippo la Vache, Johanni Cheyne & Thomæ Clanvow militibus libere sibi possidendum, &c.

Probatum, &c. 5 Dec. An. 1404.

**Wiggrebe** (a wig vel wig, quod Sylvam sonat) An overseer of a Wood, a Woodward. Thus Spelman. But wig in Saxon signifies Via; so it may rather signifie an Overseer of the Highways.

**Winches** (Anno 21 Jac. cap. 32.) A kinde of Engin to draw Barges up the Water against the Stream.

**Winkinga**. — Et dedi eis totas Winkingas in Boschis & Planis. Mon. Angl. 1. par. fol. 592. b. Quære.

**Winter-beyning** (Anno 20 Car. 2. cap. 3.) Is from the Eleventh day of November, to the 23 of April; which time, is by the said Act excepted from the liberty of Commoning in the Forest of Dean.

Witgiltber

**Witgiltber**. (Vale royal, pa. 113.) Perhaps mistaken for Wergeltber, which see.

**Witte**, (Sax.) Punishment, pain, penalty, a fine or mulct. Hence our witte, or witfree, one of the terms of Priviledge granted to our Portsmen; signifying a freedom or immunity from Fines or Amercements; nor, (as it is vulgarly accepted and construed among them) from being liable to be beg'd for foolcs for lack of wit or understanding. Sax. Dißl. See Wyte & Gloß. in x. Scriptores.

**Witterden**, alias Wittereden & Wintterden, Was a kind of taxation among the West-Saxons, imposed by the publick Counsel of the Kingdom. For wite and witan signifie majores regni, and pædan, concilium. Charta Ethelwulfi Regis catholica, apud Malm. de gest. R. lib. 1. pa. 41. — Mansu (sc. quævis Ecclesiæ assignata, Sit tuta & libera ab omnibus secularibus servitiis.) Nec non regalibus tribum, majoribus & minoribus, sive taxationibus, quæ nos dicimus Wittereden, &c.

**Witthernam**, (Vestitum namium, Sax. pyß jcontra, & Nam, captio, i. Reprisals) Is the taking or driving a distres to a Hold, or out of the County, so that the Sheriff cannot, upon the Replewin, make deliverance thereof to the party distreined; In which case the Writ of Witthernam, or de vestito namio is directed to the Sheriff, for the taking as many of his Beasts as did thus unlawfully distrein, or as much goods of his, till he has made deliverance of the first distres: Also, if the Beasts be in a Fortlet or Castle, the Sheriff may take with him the power of the County, as appears by the Statute VVestm. 1. ca. 20. & Briton, ca. 27. VVitthernam, (in Braßon, lib. 3. traß. 2. ca. 37. and in VVestm. 2. ca. 2.) seems to signifie an unlawful distres, made by him that has no right to distrein. Anno 13 Ed. 1. ca. 2. See the New Book of Entries on this word.

**Woad**, (Glasium) Is an Herb like Plantain, growing in some parts of England, the parts of Toulouse in France, and in Spain, much used for the dying a blew colour, Anno 7 Hen. 8. ca. 2. we call it woad, from the Italian Guado.

**Wold**, (Sax.) Lat. Walda, ) A Plain, a Down, an open Champian ground, Hilly, and void of Wood; as Stow in the Wolds, and Coswold in Gloucestershire. This is sometimes misunderstandingly confounded with VVeald.

**Wong**, (Sax. pang,) A Field. Tres acra terra jacentes in lex wongs, i. In campis opinor jennalibus, magis quam pascuis, faves Spel. So in an ancient Charter of Gyaradon-Abby in Leicesterhire, Dat. 14 Ed. 3. There is mention of the twicket-wong, which is a large piece of enclosed ground, lying before the Abbey-gate, still retaining the name. See VVang.

**Woodgeld**, (VVoodgeldum) Seems to be the gathering, or cutting wood within the Forest, or Money paid for the same, to the Foresters. And the immunity from this by the Kings Grant, is by Crompton called Wwoodgeld, fo. 157. Coke (on Litt. fo. 233. a.) faves, it signifies to

be free from payment of money for taking of VVood in any Forest.

**Woodmen**, Are those in the Forest, who have charge especially to look to the Kings woods. Crom. Jur. fo. 146.

**Woodmote Court**, Is the Court of Attachment of the Forest. Manw. Par. 1. pa. 95. See Attachment.

**Wood-plea Court**, Is a Court held twice a year in the Forest of Clun, in Com. Salop, for determining all matters of wood and agistment there; and, was anciently perhaps the same with VVoodmote Court.

**Woodward**, (VVoodwardus) Is an Officer of the Forest, whose Function you may understand by his Oath, set down in Crom. Jur. fo. 141.

You shall truly execute the Office of a VVoodward of B. woods, within the Forest of VV. So long as you shall be Woodward there; you shall not conceal any offence, either in Veyt or Venison, that shall be committed or done within your charge; but you shall truly present the same, without any favour, affection or reward: And, if you see or know any Malefactors, or find any Deer killed or hurt, you shall forthwith do the Verdor to understand thereof; and, you shall present the same at the next Court of the Forest; be it Swainmote or Court of Attachments; So help you God.

VVoodwards may not walk with Bow and Shafts, but with Forest Bills. Manwood, par. 1. pa. 189. Arcum & calamos gestare in Foresta non licet, sed (ut rescripti utar verbo) Hæcetur tantummodo. Sic Term. Hill. Anno 13 Ed. 3. Ebor. rot. 106.

**Wool-dizbers**, (Anno 2 & 3 Ph. & Ma. ca. 13.) Are those that buy Wool, abroad in the Country, of Sheepmasters, and carry it on horseback to the Clothiers, or to Market-Towns to sell again.

**Woolstaple**, (Anno 51 Hen. 3. Stat. 5.) That City or Town where wool was sold. See Staple.

**Wool-winders**, Are such as wind up every Fleece of wool that is to be packed and sold by weight, into a kind of bundle, after it is cleansed in such manner as it ought to be by Statute; and, to avoid such deceit, as the owners were wont to use, by thrutting in locks of refuse wool, and other dross, to gain weight, they are Sworn to perform that office truly between the owner and the buyer. See the Statute 8 H. 6. ca. 22. — 23 Hen. 8. ca. 17. and 18 Eliz. ca. 25.

**Wrandlands**, Seem to be misgrown Trees, that will never prove timber. Kitchin, fo. 169. n.

**Wreck**, (Wreccum maris. Sax. pyæc, i. De-tortum, abdicatum,) Is, where a Ship is perished on the Sea, and no man escapes alive out of it, if any part of the Ship, or any of the Goods that were in it are brought to Land by the Waves, they belong to the King by His Prerogative.

gative, or to such other person to whom the King has granted *Wreck*. But, if a man, a Dog or a Cat escape alive, so that the owner come within a year and a day, and prove the Goods to be his, he shall have them again by provision of the Statute of *Westm.* 1. ca. 4. & 17 Ed. 2. ca. 11. See *Coke*, Vol. 6. fo. 106. a. *Bracton*, lib. 2. ca. 5. num. 7. *Edouardus*, Conf. *Kingst.* cum libertate adjacent & omni maris ejus, quod *Wreck* dicitur, Ecclesia Ramefienfi largitus est. Lib. Ramefien. Sect. 95. By which, and other Antiquities, it appears, that *Wreck* did not onely comprehend Goods that came from a perishing Ship, but whatever else the Sea did cast upon the Land, were it precious Stones, Fishes, or the like. For, in the Statute *Prærog. Regi*, ca. 11. we read — *Rex habebit Wreckum maris per totum regnum, Balenas & Sturgesiones captas in mari, vel alibi infra regnum, exceptis quibusdam privilegiatis locis per Regem.* — See *Rot. Cart.* 20. Hen. 3. m. 3. & *Rot. Cart.* 4. Hen. 3. m. 6. & *Pat.* 40. H. 3. in *Dors*, m. 1. This in the *Grand Custumary* of Normandy, ca. 17. Is called *Warch*, and Latined *Veriscum*; and in some of our ancient Charters it is written *Seuptwerp* quasi *Sea-up-werp*, i. *Ejectus mari*; from *Wærpen*, *ejicere*. In the Statute 27 Hen. 8. ca. 26. it is called *Wreke* de mer. See 2 *Inst.* fo. 167.

**Writ**, (*Breve*) Is the Kings precept, whereby any thing is commanded to be done touching a Sute or Action, as the Defendant or Tenant to be summoned, a Distress to be taken, a Distress to be redressed, &c. And these *Writs* are variously divided in divers respects; Some in respect of their order, or manner of granting, are termed *original*, and some *judicial*. *Original Writs* are those, which are sent out of the high Court of Chancery, for summoning the Defendant in a personal, or Tenant in a real Action, before the Sute begins, or to begin the Sute thereby. Those are *Judicial*, which are sent out by order of the Court, where the Cause depends, upon emergent occasion after the Sute begun. *Old Nat. Br.* fo. 51, & 147. And, *judicial* are thus known from *Original*, because their *Tesse* bears the name of the Chief Justice of that Court, whence it comes, whereas the *Original* faith, *Tesse meipsi*, in the name, or relating to the King, and, according to the nature of the Action they are *personal* or *real*; *real* are either touching the possession called *Writs of Entry*; or the property, called *Writs of Right*. Some *Writs* are at the Sute of the Party, some of Office. Some ordinary, some of privilege. A *Writ of Privilege* is that which a privilege d person brings to the Court for his exemption, by reason of some privilege. See *Procedendo*, and *New Book of Entries*, verbo, *Privilege*. See *Brief*.

**Writ of Rebellion**. See *Commission of Rebellion*. *Writ of Assistance*, issues out of the *Exchequer*, to authorize any person to take a Constable, or other publick Officer to seize Goods or Merchandise prohibited and uncostomed, &c. *Stat.* 14 Car. 2. ca. 11.

**Writer of the Tallies**, (*Scriptor Talliarum*) Is an Officer in the *Exchequer*, being Clerk to the Auditor of the Receipt, who writes upon the *Tallies* the whole Letters of the Tellers Bills.

**Wulfehepec**. See *Pudbepeck*.

**Wulfehebed**, *Contraſtus Wulveshead*, (*Sax. pſe, lupus & heopod, caput, i. Caputlupinum*,) Was the condition of those, who were outlaw'd for Criminal matters in the Saxons time, or not yielding themselves to Justice. For, if they could have been taken alive, they must have been brought to the King; and, if they for fear of being apprehended did defend themselves, they might be slain, and their heads brought to the King; For, their head was no more to be accounted of, than a *Woolfs head*. *LL. Edw.* 1st forth by *Lamb.* fo. 127. b. num. 7. and *Bracton*, lib. 3. Traſt. 2. ca. 11. See *Vilary*. *Woolfehead* & *Wulferford*, are all one. *Coke on Litt.* fo. 28. b.

**Wylke**, (*Wylka*) A Farm, or little Village. — *It utam Wykam cum hominibus*, &c. *Mon.* Angl. 2 Par. fo. 154.

**Wyte**, or **Witte**, (*Wytta vel Wita. Sax. pite, i. Pena, multa*) Saxones duo mulierum genera statuere; *Wieram* & *Witram*. *Wera* mortis reos & gravissime peccantes liberabat. *Wyta* mediis & levioribus delictis statuta fuit, non certa sed pro qualitate commissi; alias gravior, alias levior; salvo tamen semper conventio delinquentis (ut lex loquitur in *Mag. Char.* ca. 14.) hoc est, *affirmationis ejus, Anglice, his Countenance*. — *Ex his placitis quadam emendantur centum solidis, quadam Wera, quadam Wyta, quadam emendari non possunt.* *Leg. Hen.* 1. ca. 13. — *Emendet iuxta ordinis dignitatem, sive per redemptionem, i. Wyte; per forisfacturam, i. Witte; per Legis transgressionem, i. Wastite.* *MS.* de *LL. Canuti* in *Bibl. Cotton.* sub tit. *Vitellius*, C. 9.

## X.

**Xenia**, *Dicuntur munuscula quæ a Provincialibus Reſtoribus Provinciarum offerebantur.* Vox in *Privilegiis Chariis* non inſueta; ubi quietos esse a Xenis, inanes notat ab hujusmodi muneribus aliisque Donis Regi vel Regine præstandis, quando ipsi per prædicia Privilegiatorum transferunt; ut in *Chart. Domus Semplingham*. Principibus enim olim fuit in more, a subditis vel invitis munera extorquere. Itaque ab hoc jugo liberis fecit *Ecclesiasticus Ethelbaudus Rex Merciorum Anno 749.* ut ab exemplari *Charia sua cum apud Ingulphum Sæc.* tum *Wil. Malmſb. Lib. de Gestis Reg.* Angl. p. 29. l. 4. His verbis habetur. — *Concedo ut omni Monasteria & Ecclesia Regni mei a publicis vexatilibus, operibus & oneribus absolvantur.* — *Nec munuscula præbent Regi vel Principibus, nisi voluntaria.* *Spelm.* — *Nulla autem persona parva vel magna ab hominibus & terra*

*terra Radigenſis Monasterii exigat, non equitationem sine expeditum non summagis, non vexatilibus, non navigia, non opera, non tributa, non Xenia, &c.* In *Memorand. Sæc. de Anno 20 Edw.* 3. *Trin. Rot.* 3.

## Y.

**Y & Nap** — *Quod homines sui* (*Riponienses*) *sint credendi per suum Ya & per suum Nay in omnibus querelis & Curis, licet tangen.* *Frædmortel*, &c. *Carta Athelſtani Regis.*

**Yard** (*Virga*) Is a well known measure of three foot in length, which (according to Sir *Richard Baker*) *Henry* the First ordained by the length of his own Arm. See *Virga Ierrea*.

**Yard Land** (*Virgata Terra*, a *Sax. Gynb*, i. *Virga*) Is a quantity of Land, various according to the place. As at *Wimbleton* in *Surrey* it is but 15 Acres, in other Counties 20, in some 24; in some 30, and in others 40 Acres. *Virgata terra* continet 24 acras, & 4 virgate constituunt unam Hidam, & quinque Hida constituunt feodum militare. *MS. Abbatia Malmſb.*

— This *Yardland*, *Bracton* (lib. 2. cap. 10. & 27.) calls *Virga: m Terra*; but expreſſeth no certainty what it contains. It is called a *Virge* of Land. *Anno 28 Edw.* 1. *Statute of Wares*. See *Seldens Titles of Honor*, fol. 622.

**Year and day** (*Annus & dies*) Is a time, that determines a right in many cases, and is in some an usufruction, and in others a prescription; as in case of an *Eltray* if the owner (Proclamation being made) challenge it not within that time, it is forfeit: So is the year and day given, in case of *Appeal*, or *Descent*, after entry or claim, of *Non claim* upon a *Fine*, or *Writ of Right*, of the death of a Man, fore bruised or wounded; of *Protections*, *Essoigns*, in respect of the Kings Service; of a *Wreck*, and divers other cases. *Coke*, Vol. 6. fol. 107. b. and 3 *Inst.*, fol. 53.

**Year, Day, and Waste**, (*Annus, dies, & wastum*) Is a part of the Kings Prerogative, whereby he challengeth the profits of their Lands and Tenements, for a year and a day that are attained of *Perit-Treason*, or *Felony*, whosoever is Lord of the Mannor, whereto the Lands or Tenements do belong; and not onely so, but in the end may waste the Tenement, destroy the Houses, Root up the Woods, Gardens, Pasture, and Plough up Meadows, except the Lord or the Fee agree with him for redemption of such Waste; afterwards restoring it to the Lord of the Fee, whereof you may read at large *Stamf. Prærog.* cap. 16. fol. 44.

**Yelding** or **Yelding**, and **Yaping** (*Reddendo & solvendo*) Is a corruption from the *Sax. Gelsan* and *Sylban*, *Solvere*, *præstare*. And in

*Domesday Gildare*, is frequently used for *solvere*, *reddere*; the *Saxon* & being often mistaken into *Y*.

**Yeme**, Is an ancient corruption of *Hieme*, *Winter*, as I have seen in an old Deed — *Reddend.* — *Ad Festum S. Martini in Yeme*, &c. And in another of 4 *Edw.* 2. Thus, — *Reddend. quando dist. quatuor acra terre seminantur semine Yemali, decedecim Buſſel. boni & legalis frumenti ad Festum Purificationis, &c.*

**Yeben** or **Yeoben**, (as we use at the end of Indentures, and other Instruments, *Yeven the day, and year first above written*) Is a corruption from the *Saxon* *Geofian*, i. *Dare*, as it is the same with *Given*. So *Distum de Kenelworth* concludes with — *Yeoben* and proclaimed in the Castle of Kenelworth the day before the Calends of Nov. Anno 1256.

**Yeman** or **Yoman** (from the *Sax. Geman*, i. *Communis*) These *Camden* in his *Britan*, pag. 105. placeth next in order to *Gentleman*, calling them *ingeniuos*, whose opinion the Statute affirms, *Anno 6 Ric.* 2. cap. 4. And 20 *Ejusdem*. cap. 2. Sir *Tho. Smith* in his *Repub.* Angl. lib. 1. cap. 23. calls him a *Yoman*, whom our Laws call *Legalem hominem*, which (says he) is in English a Freeman born, that may dispense of his own Free-land, in yearly Revenue to the sum of Forty shillings Sterling. *Versfegan* (in his restitution of *Decayed Intelligence*, cap. 10.) writes, That *Gemen* among the ancient Teutonicks and *Gemen* among the Modern, signifies as much as *Common*, and that the first Letter *G* is in this word, as in many others, turned into *Y*. and so written *Yemen*, which therefore signifies *Commoner*. *Yoman* signifies also an officer in the Kings House, in the middle place between the *Serjeant* and the *Groom*; as *Yoman* of the *Chaudry*, *Yoman* of the *Scallery*. *Anno 33 Hen.* 8. cap. 12. *Yoman* of the *Crown*. *Anno 3 Edw.* 4. cap. 5. The word *Pongmen* is used for *Yomen* in the Statute of 33 Hen. 8. cap. 10. And I have seen it written *Yeman* in old Deeds. See *Yeman*.

**Yingeman**. *LL. Hen.* 1. cap. 16. *Danagildum quod aliquando Yingeman dabatur*, i. 12 d. de unaquaque hida per annum, si ad terminum non reddatur, *Wita* emendatur. The Learned *Spelman* thinks this may possibly be mistaken for *Inglishman* or *Englishman*, though he findes it written *Yingeman*, both in *Sir Rob. Cottons* Codex, and his own.

**Yvernagium** (from the *Fr. Hyvernee*, i. The Winter-season) Was anciently used for the *Winter-Seedness* or Season for Sowing Corn. — *Distus vero Willielmus & heredes sui arabant unum Seilonem ad Yvernagium, & unum Seilonem ad Semen quadragesimale, & unum Seilonem ad Waretum, &c.* *Carta Ricardi de Harrecurt pænes Tho. Wollascut Arm.* Sine dat.

## Z.

**Z**uche (Zuchus) *Stips fœcus & aridus*,  
A withered or dry stock of Wood. *Rex*,  
Ec. *Quia accepimus per Inquisitionem, quod*

*non est ad dampnum seu præjudicium nostrum,*  
*aut aliorum, si concedimus dilecto valedo nostro*  
*Ric. de Stelley omnes Zuchos aridos, qui An-*  
*glice vocantur Stobenes infra Hayam nostram*  
*de Beskerwood, qua est infra Forestam nostram de*  
*Shirewode, &c. Pla. Forestæ in Com. Nott. de*  
*Anno 8 Hen. 3. — Auxilium faciend. Bur-*  
*genfibus Salop. de veteris Zuchis & de mortuo*  
*bosco, &c. Claus. 4 Hen. 3. m. 10.*

FINIS.

## CORRIGENDA.

**A** Bet, read, from the Sax. *a, i, ad.*  
Chancemedley, r. party might.  
Clerk of the Ax, *dele totum*, and read  
Clerk of the *Axts*, is an Officer of good  
account in the Navy Office, who receives  
and enters the Commissions and Warrants  
of the Lord Admiral, and Registers the  
*Axts* and Orders of the Commissioners  
of the Navy. *Anno 16 Car. 2. cap. 5.*  
Consolidation, r. *usum fructum*.  
Contrabanded, r. *or exported*.  
Cordage, r. general *appellation*.  
Cuckingstool, r. *scalping stool*.  
Defend, r. *Fence-moneth*.  
Disfnes, r. *hath his share*.  
Divorce, r. *a divertendo*.  
In Eberemurder, r. *Eberemomph*.  
Fardingdeal, r. *Sax pæonh*.  
Farthing of Land, r. *peoppling*.  
Flitchwite, r. *contention or*  
Forathe, r. *modo—fidelem*  
Franc-aluoin, r. *terrestrial*.  
Friburgh, r. *Fidejussor*.  
Frumstol, r. *Homeftal. LL.*  
Furca, r. *feu Galefurcia*.  
Gabel, r. *Tapol at. Tapol*.  
Gardian, r. *Tapdun*.  
Gavelkind, r. *nominant. Hæc terra.*  
Gultwit, r. *for Gyltwite*.  
Haga, r. *de quinque solidis*.  
Hamfoken, r. *Hamfocne & Fridebrice*.  
Hokeday, r. *fenescallus Curia de*.  
Honor, r. *Clun, Raleigh*.  
Horngeld, r. *Sax. Hopn*.  
Imparlance, r. *the like Clause*.

Infangthes, r. *S. Ben. Ramef*.  
Insidiatores viarum, r. *are words*.  
Institution, r. *no Franc-tenement*.  
Jury, r. *publick or private*.  
Knave, r. *Sax. enapa, in every place, &c.*  
Knight, r. *by Divines*.  
Landa, r. *a Lawnd or*.  
Landcheap, r. *Sax. Landceap from ceapan,*  
Livery of Seisin, r. *there was—delivered*.  
Magna Charta, r. *Sir Edw.*  
Manumission, r. *Sigillo Comitatus nostri*.  
Mise, r.  *Lords Marchers.*  
Naam, r. *quod inscribitur*.  
Nufance, r. *Vicountiel*.  
Precaria, r. *iv Precarias in*.  
Saka, r. *See Sac*.  
In Sea-rover, r. *See Pirate*.  
Serjeant, r. *Countor, is*.  
Serjeanty, r. *Donec perusur*.  
Sharping Corn, r. *Harrow Tines*.  
Shrif-tooth, r. *& terris in*.  
Soc, r. *Sella de*.  
Socage, r. *Tenure of Lands*.  
Solidata terræ, r. *Viccomitibus*.  
Specialitas, r. *ab eodem*.  
Suffragan, r. *(suffraganeus)*  
Team, r. *Children, Goods*.  
Terrage, r. *Pavagio, Passagio*.  
Theft, r. *Personal goods*.  
Theftbote, r. *emenda furti*.  
Trista, r. *ni fallor*.  
Wainage, r. *contentement or*  
Warranty, r. *tenementa nostra*.  
Xenia, r. *ut omnia*.

places particularly expressed. In case of this Treason a Man shall be hanged, drawn, and quartered, and forfeit his Lands and Goods to the King, it is also called *Treason Paramount*. Anno 25. Edw. 3. cap. 2.

**Petit Treason**, Is when a Servant kills his Master, a Wife her Husband, or when a Secular or Religious Man kills his Prelate or Superior to whom he owes Faith and Obedience, and in how many other Cases *Petit Treason* may be committed. See *Comp. Just. of Peace*. This kind of Treason gives forfeiture of Escheats to every Lord within his own Fee. See *Bracton*, lib. 2. tract. 2. cap. 3. num. 5. There is also mention of *Accusatorial Treason*, and *Confessorial Treason*, in the Stat. 14 Car. 2. cap. 3.

**Treasonable Oath**, *Curia Regis Angl.* **Treasure Trove**, (Fr. *Treuer-trove*, i. *Treasure-found*) Signifies *rethem depositum per amicum, qui non extat memoria, et jam dominum non habet*. — And, though the Civil Law gives it to the finder, according to the Law of Nature, yet, our Law gives it to the King by His Prerogative, or to some other, who claims by the Kings grant, or by prescription, as appears by *Bracton*, lib. 3. *Tract. 2. ca. 3. nu. 4.* The punishment for concealing *Treasure found* is imprisonment and fine. But, if the owner may any way be known, then it does not belong to the Kings Prerogative. *Briton*, (ca. 17.) says, that every Subject parts, as soon as he has found any *Treasure* in the earth, to make it known to the Coroners of the County, &c. See *Kitchin*, fo. 20. *Annot. & 2 Ph. & Mary, ca. 15.* This was anciently called *Spudaringa*, of finding the Treasure. *J. L. Hen. 1. ca. 11.* See 3 *Inft. fo. 20.*

**Treasurer**, (*Treasarius*) Is an Officer, to whom the *Treasure* of another is committed to be kept, and truly disposed of; The chief of these with us is the *Treasurer of England*, who is a Lord by his Office, and one of the greatest men of the Land; under whose Government is all the Princes Wealth contained in the Exchequer, and also the Check of all Officers any way employed in collecting Impôts, Tributes, or other Revenues belonging to the Crown, &c. *Smith de Republ. Angl. lib. 2. ca. 14.* See *Anno 20. Edw. 3. ca. 2.* and other Statutes relating to this Great Officer. There is also *Treasurer of the Kings Household*, who is also of the Privy-Council, and, in the absence of the Steward of the Kings household, has power, with the Controller and Steward of the Marthalsea, without Commission to hear and determine Treasons, Murder, &c. committed within the Kings Palace. *Stam. Pl. Cor. lib. 3. ca. 5.* There is also in the Statutes mention of *Treasurer of the Exchequer*, *Treasurer of the Navy*, *Treasurer of the Kings Chamber*, *Treasurer of the Kings Wardrobe*, *Treasurer of the Wars*, &c. And, most Corporations throughout the Kingdom, have an Officer of this Name, who receives their Rents, and disburses their common expences.

**Treat** (From the French *Traire*, i. *Emulger*) signifies as much as taken out, or with-

drawn: As a Juror was challenged because he could not dispend 40 l. and therefore was treat by the Statute (*Old Nat. Br. fo. 157.*) that is, removed or discharged.

**Trebuchet**, (*Turbichetum*) A Tower, or Cocketole, 3 *Part. Inft. fo. 217.* See *Trebach*.

**Treet** (*Triticum*, i. Wheat.) In the Statute of 41 Hen. 3. Bread of *Treet* seems to be that bread which was made of fine *Wheat*. See *Cocket*.

**Trental** (*Trentale*) An Office for the Dead, continued thirty days, or consisting of thirty Masses; from the Italian *Trenta*, i. Trīginta, mentioned *Anno 1. Ld. Edw. 1. ca. 14.* — Et *collo & ordinio quod Executores mei ordinarunt seu ordinare faciunt unum Trental pro salute anime mee.* Will proved, *Anno 1455.*

**Trespas** (*transgressio*) Signifies any transgression of the Law, under Treason, Felony or Misprision of either, *Stam. Pl. Cor. fo. 39.* where he says, that for a Lord of the Parliament, to depart from the Parliament without the Kings licence, is neither Treason, nor Felony, but *Trespas*. But, it is most commonly used for that wrong or damage, which is done by one private man to another, or to the King in his Forest; In which signification it is of two sorts, *Trespas general*, otherwise termed *de armis*; and, *Trespas special*, otherwise called *Trespas upon the Case*, which seems to be without force (howbeit sometimes they are confounded.) In an Action of *Trespas* the Plaintiff always sues for Damages, or the value of the hurt done him by the Defendant. See *Brokes Abridg. Tit. Trespas*.

There is also *Trespas local*, and *Trespas transitory*; *Trespas local* is that, which is so annexed to a place certain, that if the Defendant joyn issue upon the place, and traverse the place, only by saying, *absque hoc*, that he did the *Trespas* in the place mentioned in the Declaration, and aver it, it is enough to defeat the action. *Trespas transitory* is that which cannot be defeated by the Defendants traverse of the place, because the place is not material; but, Actions of *Trespas quare Clausum fregit* ought to be local. *Bracton*, lib. 4. ca. 34. *nu. 6.* divides *transgressionem* in *maorem* & *minorem*. See also *New Book of Entries*, verbo *Trespas*.

**Trespasants**, (Fr.) Passengers: so *Briton* uses it, ca. 25.

**Trial**, (*triatum*) Is used for the examination of all causes Civil or Criminal before a Judge, according to the Laws of our Realm; of which there are divers kinds; a. Matters of Fact shall be tried by the Jurors; Matters of Law, by the Justices; Matters of Record, by the Record it self. A Lord of Parliament, upon an Indictment of Treason, or Felony, shall be tried without any Oath, by his Peers, upon their Honors and Allegiance; but, in appeal, at the Suit of any Subject, they shall be try'd *per honores & legales homines*. If ancient *Demesne* be pleaded of a Mannor, and deny'd, this shall be try'd by the Record of *Domesday*. *Bailard*, i. Excommungement, lawfulness of Marriage, and

and other Ecclesiastical matters, shall be try'd by the Bishops Certificate. Of the ancient manner of Trials by Combat, and great Assize, see *Combat* and *Assize*. See *Stam. Pl. Cor. lib. 2. ca. 1, 2, 3.* And *Twelve Men*. *Triatio est exactissima, hinc contestata, coram Judice, per duodecim virale sacramentum, exagitiatio.* Pat. 2. R. Joh. m. 3. in *fideltate Leulini. Statutum de triatione differentiarum dicti Leulini*, &c.

**Tribuch & Trebuchet**, (*Turbichetum*) A Tumbrel, Cuckingstole, or Gogingstole. — *Hec omnia concedimus des & Ecclesia Sancti Albani, cum Soca & Sacca, on Stronde & Streime, on Wude & feld, Toll & Teym, Tribuch, Hamfoken, Murdre, Forestal, Danegeld, Infangenthef & Ufsangenthef, Flemechfremthe, Blodwite, Wreck*, &c. Carta Joh. Regis, Dat. 11 Junii, Anno 1. Regni.

**Trithing**, or **Trithing**, (Sax. *Trithinga*) contains three or four Hundreds, or the third part of a Shire or Province; Also a Court held within that Circuit, which was the same we now call a *Court-leet*, which is above a Court-Baron, and inferior to the County Court. *Breve de Atturnato de loquellis*, &c. Regist. 266. — *Provisum est quod quilibet liber homo libere possit facere Atturnatum suum ad loquellas suas prosequendas & defendendas motas in Trithyngis, Comitatus, Wapentachiis & aliis Curis sine breve nostro.* Sur le Statute de Merton, ca. 10. *Fiat autem visus de Franciplegio sic, viz. quod pax nostra teneatur, & quod Trithinga sit integra, sicut esse consuevit*, &c. Mag. Char. ca. 36. See *Fleta*, lib. 2. ca. 61. & *Origin. Jurid. fo. 26.* See *Latb.* — *Et volo quod dicti Monachi sint quieti & soluti ab omni scotto, Geldo, auxiliis vicecomitum, Hydragio, & a sista in Schiris, wapentachiis, Hundredis, Trithingis, & omnimodis aliis Curis & seculari oneribus universis.* Carta Eadredi Regis Anno 948. Abb. & Monachis Croiland.

**Trinity-house**, Is a kind of Colledge at *Debtford*, belonging to a Company, or Corporation of Seafaring Men, who have power by the Kings Charter to take knowledge of those that destroy Sea-marks, and to redress their doings, as also to correct the faults of Saylor, &c. and to take care of divers other things; belonging to Navigation and the Seas. *Anno, 8 Eliz. ca. 13.*

**Trink**, Is a kind of Fishing-net, or an Engin to catch fish, *Anno 2 Hen. 6. ca. 15.* *Cokes 12 Rep. fo. 89.* Mich. 9 Jac.

**Triours**, Are such who are chosen by the Court to examine whether a Challenge made to the Panel, or any of them be just, or no. *Brook tit. Challenge*, fo. 122. and *Old Nat. Br. fo. 158.*

**Trissa**. — *In quo Rex cum ceteris superior constitisset, secundum legem venandi, quam vulgus Triffam vocant, singulis proceribus cum suis canibus singula loca delegat, ut obfessa undique bestia, ubicunque eligeret exitum, inveniret exitum*, &c. Decem Scriptores, fo. 267. *Servitium vel Officium plane capit, fiducia mixtum; Ori-*

go, in fallor a nostratum *Trust*. *Gloss. in x. Script.* See *Twiffis*.

**Tristria, Tristis & Trista**, (from *Trist*, i. *Trust*) Is an immunity, whereby a Man is freed from his attendance on the Lord of a Forest, when he is dispos'd to chafe within the Forest, and shall not be compel'd to hold a dog, follow the chase, nor stand at a place appointed, which otherwise he might be, under pain of amercement, *Manro. par. 1. pt. 86.* — *Et sint quieti*, &c. de *chevagio*, *Wonde-peny*, *Buchtal & Tristria*, & de omnibus misericordiis, &c. Privileg. de Semplingham. 4 *Inft. fo. 306.*

**Trithing**, (*Trithingum*) In the Statute of Merton, ca. 10. signifies a Court consisting of three or four Hundreds, 2 *Inft. fo. 99.* See *Trithing*.

**Tronage**, (*Tronagium*) Is Custom, or Toll taken for weighing Wool; *Fleta*, (lib. 2. ca. 12. *Self. Item ulnas*) says, that *Trona* is a Beam to Weigh with, mentioned in *West. 2. ca. 25.*

**Tronator**, (from *Trona*, i. *Statere*) An Officer in the City of London, who weighs the Wool that is brought thither. See his Oath in the *Book of Oathes*, fo. 231.

**Trover**, (Fr. *Trouver*, i. *Invenire*) Is the name of an action, which a man hath against one, who, having found any of his Goods, refuseth to deliver them upon demand. See *New Book of Entries*, verbo *Trover*. Actions of *detinue* are of late much turned into Actions upon the Case, *sur Trover & Conversion*. Preface to *Rolls Abridgement*.

**Trop-weight**, (*Pondus Troia*) See *Weight*.

**Trug**. — *Tres Trugge frumenti vel arena faciunt 2 Bushels infra Prebendam de Hunder-ton in Ecclesia Heref. MS. de temp. E. 3.* And, at *Lempster* at this day the Vicar has *Trug Corn* allow'd him for Officiating at some Chappels of case, (as *Stoke* and *Dorklay*) within that Parish; Haply it may come from the Sax. *Trug*, which signifies a great hollow Vessel, or Trough.

**Tumbrel**, (*Tumbrellum*, *turbichetum*,) Is an engine of punishment, which ought to be in every liberty that has view of Frankpledge, for the correction and cooling of Scoldes, and unquiet Women, *Kitchin*, fo. 13. See *Cuckingstool*. Item, *si aliquis, qui in libertatem nostram, per assensum & consensum Comburgensium nostrorum, admittus fuerit, fecerit aliquod delictum, per quod ad penam publicam seu vile Judicium, ut ad Collistrigium vel Tumbrellum, vel aliquod aliud hujusmodi adjudicatus fuerit, pro perjuro reputabitur, & ipso facto amittet libertatem suam.* MS. Codex de LL. Statutis & Consuetud. Burgi villæ Mountgom. fo. 11.

**Tun**, Is a measure of Oyl or Wine containing twelve score and twelve Gallons, or four Hogheads, *Anno 1 Rich. 3. ca. 12.* 2 *Hen. 6. ca. 11.* and 12 *Car. 2. ca. 4.* A Tun of Timber is 40 solid feet; a Load 50.

**Tun-grede**, (Sax. *Tun-greða*, i. *Villa postus*) A Reeve, or Bailiff; *qui in villa quæ dicimus Mancris* Domini personam sustinet, I t t jusque



*Jusque vice omnia disponat & moderatur.* Spelman.

**Tunnage**, al. **Tonnage**, (*tunnagium* & *tonnagium*) Is a Custom or Impost due for Merchandise brought or carried in *Tuns*, and such like vessels, from or to other Nations after a certain rate for every *Tun*, *An. 12 Edw. 4. ca. 3.* — *6 Hen. 8. ca. 14.* — *1 Ed. 6. ca. 13.* — *1 Jac. ca. 33.* & *12 Car. 2. ca. 4.* It is sometimes used for a duty due to the Mariners for unloading their Ship, arrived in any Havens, after the rate of so much a *Tun*. *Tunnage* and *Poundage* began in the 45th of Edward the third. *Cottoni posthuma, fo. 172.* See *4 Inst. fo. 32.*

**Turbary**, (*turbaria*, from *turba*, a *turf*) Is a right or interest to dig *turves* on another mans ground, *Kitchin, fo. 94.* And, *Common of Turbary* is a liberty which some Tenants have by prescription to dig *turves* on the Lord's Waste. *Turbary* is sometimes also taken for the ground where *turves* are digged.

**Turn**, (*turnum*) Is the Sheriffs Court, kept twice every year, viz. within a Month after *Easter*, and *Michaelmas*. *Mag. Charta, ca. 35.* & *3 Edw. 3. ca. 15.* From this Court are exempt only Arch-bishops, Bishops, Abbots, Priors, Earls, Barons, all Religious men and women, and all such as have *Hundreds* of their own to be kept. *Anno 25 Hen. 3. ca. 10.* *Britton, (ca. 29.)* calls it *Towr*, (i. ambitus, circuitus.) It is a Court of Record in all things that pertain to it, it is the Kings, Lectr through all the County, and the Sheriff is Judge, and this Court is incident to his Office. See *Crompt. Jur. fo. 250.* and *4 Inst. fo. 260.*

**Turney** or **Tournement** (Fr. *Tourney*, i. *Decoratorium*) Signifies a Martial exercise of Knights or Gentlemen fighting on horseback one with another in disport, and is thus defined, *Torneamenta dicuntur nundina vel feria, in quibus milites ex condito convenire, & ad ostentationem virium suarum & audacia, temere congregi solent.* This word is used in the Statute *24 Hen. 8. ca. 13.* but, the thing it self is now disused.

**Turno bicomitum**, Is a Writ that lies for those that are called to the Sheriffs *Turn* out of their own Hundred, *Reg. of Writs, fo. 174.*

**Twatte**, Signifies a wood grubbed up, and turned to Arable. *Coke on Litt. fo. 4. b.*

**Twa nights gese**, (*Hospes duarum noctium*) If he did harm to any, his Host was not answerable for it, but himself. *Hoveden, parte poster. fo. 345. b.* See *Third-nights-aw-hinc.*

**Twelve men**, (*duodecim homines legales*,) otherwise called the *Jury*, or *Enquest*, is a number of twelve persons, or upwards to twenty four, by whose Oath, as to matters of Fact, all Trials pass both in Civil and Criminal Causes, through all Courts of the Common Law in this Realm. In Civil Causes, when proof is made of the matter in question, the point of the Fact (on which they are to give their verdict) is delivered likewise to them, which we call the *Issue*, then they are put in mind of their Oath, so do right, and are, by the Judges, sum-

ming up the evidence, sent out of the Court, by themselves to consider upon the Evidence on both sides, untill they are agreed: which done, they return to the Court, and deliver their verdict by the Mouth of their Foreman; according to which (if the matter be not arrested, or staid by the discretion of the Judge or the Court,) the Judgment passeth.

In *Causæ Criminal* there are two sorts of Enquests, one called the *Grand Enquest*, the other the *Enquest of life and death*; The first is so called, either b. cause it consists of sixteen at the least, or else because all causes Criminal or Penal first pass through them; whereas the other Enquest is especially appointed for one or few matters touching life and death. Those of the *Grand Enquest* are called by *Bracton*, *12 Milites*; because they were wont to be Knights, if so many could be had. And their Function is to receive all Presentments of any Offence, and accordingly to give their general opinion of them, by writing either these words *hilla vera* upon the Bill of Presentment, which is an Inditement of the Party presented, or else *ignovamus*, which is a doubting of the Fact presented. Or this read more in *Inditement*, *Affise*, *Jury*. See the Statute *35 Hen. 8. ca. 6.* & *37 ejusdem, ca. 22.* — *2 Ed. 6. ca. 32.* & *5 Eliz. ca. 25.*

**Twiber of skins**, Is 40 skins. *Book of Rates, fo. 18.*

**Tympeny**. *Abbas & Monachi Rading* — *Sint quieti de tributis & lastagis & stallagis de Thething-peny & Tympeny, de summationibus de Affisis & super affisis, &c.* In Memorand. Scacc. de Anno 20 Ed. 3. int. Record. de Trim. Rot. 3. I find it elsewhere written *Tympeny*. *Mon. Angl. 1 Par. fo. 313. a. Q. Marc.*

## U.

**Vacation**, (*Vacatio*) Is all the time respectively, betwixt the end of every Term and beginning of the next; when such times began and ended in our Ancestors dayes. See *Hovedens Annals, Par. post. fo. 343. a.* where you shall find that this intermission was called *Pax dei & Ecclesie*. Also the time from the death of a Bishop or other Spiritual person, till the Bishoprick, or other Dignity be supplied with another, is called *Vacation*. *Westm. 1. ca. 21.* & *14 Edw. 3. ca. 4. & 5.* See *Plenary*.

**Vaccarie**, alias **Maccharie**, (*Vaccaria*, al. *Vaccaria*, and *Vacheria*) Is a House or place to keep Cows in. *Fleta, lib. 2. ca. 41.* *Domesday* sive locus quo vaccæ aluntur, vel quo negotiantur quoad ad eos attinet percipiunt. *Spelm. A Dairy-house.* Without warrant no Subject may have a *Vaccary* within the Forest. *Crom. Jur. fo. 194.* But, in the Stat. *37 Hen. 8. ca. 16.* *Vaccary* seems to be a special name of a certain compass of ground within the Forest of *Ashdown*.

**Waga.**

**Waga.** See *Waga*.

**Wagabond**, (*Vagabundus*) One that wanders about, and has no certain dwelling, an idle Fellow. Rogues, *Vagabonds*, and sturdy Beggars, mentioned in divers Statutes. — *De Vagabundis & aliis hominibus mendicantibus qui se nuntiant, & Vagabundis, &c.* *Charta, 22 Hen. 6. m. 34. n. 36.* Item utimur, quod nullus Vagabundus vagetur seu deambulet de nocte in villa seu suburbio ejusdem post pulsationem Campanæ nostræ communis, vocata *Coherfu*, Et si aliquis ibidem capiatur post pulsationem dicte Campanæ ducatur ad Gaolam Domini Regis, & ibi morabitur usque in crastinum. ut noticia persone sua habeatur, & emendatio faciat ad voluntatem Balivorum & Comburgensium, & per Balivos Capitales liberetur, si hoc petat. *MS. Codex de Legibus & Statutis Burgi-villæ Mountgomer. a tempore, Hen. 2.*

**Valet**, **Valet**, or **Valelet**, (*Valetus vel valelet*. Qui juxta dominum vadit seu ministrat. Fr. Valet.) A Servitor, or Gentleman of the Privy-Chamber, according to *Cambden*. In the accounts of the Inner-temple it is used for a Benchers Clerk, or Servant; The Butlers of the House corruptly call them *Valelets*. In *Reg. of Writs*, 25. b. *Valetus*. If the Sheriff be a *Valelet* of the Crown, &c. *Coke on Litt. fo. 156.* Sciatis — *Quod ego Henricus Comes Lancastrie & Leicestr. Senescallus Angliæ Dedimus — Dilecto Valetto nostro Johanni le Blount novem acres terræ cum pertin. in Holland in Foresta nostra de Duffeld, &c.* Dat. apud Hegham Ferrers 3 die Junii 5 Ed. 3. Penes Wal. Kirkham Blount Bar.

*Valet* was anciently a name specially denoting young Gentlemen, though of great descent or quality, but now given to those of the rank of *Yeomen*. *Seldens titles of Honour, fo. 831.*

**Value**, (*Valentia, valor*) Is a known word; but, *Wert* gives us a nice difference betwixt *value* and *price*. — The *value*, sayes he, of those things, in which offences are committed, is usually comprized in *Inditements*, which seems necessary in *Theft*, to make a difference from *petit Larceny*, and in *Trespass* to aggravate the fault, and increase the Fine: But, no *price* of things *feræ naturæ* may be expressed, as of Deer, Hares, &c. if they be not in Parks and Warrens, which is a liberty. *Anno 8 Ed. 4. fo. 5.* nor of Charters of Land. And, where the number of the things taken are to be expressed in the *Inditement*, as of young Doves in a Dove-house, there must be said *pretii*, or *ad valentiam*; but, of divers dead things, *ad valentiam*, and not *pretii*. Of Coin not current, it shall be *pretii*, but of Coin Current it shall neither be said *pretii*, nor *ad valentiam*, for the price and value thereof is certain, &c. *Par. 2. Symbol. tit. Inditements. Sect. 70. V. W.*

**Walog of Marriage**, (*Valore maritaggi*) Was a Writ that lay for the Lord, having profer'd Covenable Marriage to the Infant, and he refusing it, to recover the *value* of the Marriage. *Old Nat. Br. fo. 90.* but taken away by the Statute *12 Car. 2. ca. 24.*

**Wantarius**, *Præcursor*. As *Vantarius* Regis, the Kings fore-foot-man. *Richardus Rocke, miles tenebat terras Seatonie per Seriantiam esse Vantarius Regis in Gascoign, donec perisus fuit pari solutarium pretii 4 d. 1. dum trivisset par calceorum pretii 4 d. Rot. de Finibus. Term. Mich. 2 Ed. 2.*

**Variance**, (From the Fr. *Varier*, i. *Alterare*) Signifies an alteration or change of condition, after a thing done. As, the Commonalty of a Town make a composition with an Abbot, and after obtain Bailiffs by grant from the King. In this case, if the Abbot commence any Sute for breach of the composition, he must vary from the word *Commonalty* set down in the Composition, and use *Bailiffs* and *Commonalty*. *Brook, tit. variance, fo. 292.* It is also used for an alteration of something formerly laid in a Plea. See *Variance* in the *New Book of Entries*.

**Variets**, By a Repealed Statute of 20 Rich. 2. cap. 2. were used for *Yomen*, or *Yomen-servants*. See *Valelets*, and the Statute *3 Car. 1. ca. 4.* *Will. Hunt Varlet del Chambre nostre Seigneur le Roy.* *Claus. 12 Rich. 2. M. 43.* in dorso.

**Valet**, (*Valetus*) — *Concordia inter Regem & Radulphum de Normanvil, viz. quod Rad. tenebit in servitio Regis Geroldum & Radulphum milites, filios suos, quamdiu guerra sua duraverit, per sic, quod Rex ei remittat CC. Marcas quas debebant Regi Johanni de Fine pro redemptione dicti Geroldi, & per sic deberetur; Thomas filius dicti Radulphi Valettus in custodia Regis, qui similiter morabatur in servitio Regis cum predictis Geroldo & Radulpho fratribus suis.* Pat. 1 Hen. 3. in dorso M. 13. It seems here to signifie a *Ward*. See *Valelet*.

**Wassal**, (*Vassallus*,) From the Germ. *Wesfel*. i. *Comes qui mercede servit*) Signifies him that holds Land in Fee of his Lord, we call him more usually a Tenant in Fee, whereof some owe fidelity and service, and are called *vassalli jurati*. But, the word being little used in our Law Books, make me waive that enlargement which *Cowel* makes upon it.

**Wasto**, Is a Writ that lies for the Heir against the Tenant for life or years, for making waste, or for him in the reversion or remainder. *Fitz. Nat. Br. fo. 55* See the Statute *6 Ed. 1. ca. 5.*

**Wabafoz**, alias **Walbafoz**, Is one who in dignity is next a Baron. *Cambd. Brit. pa. 109.* — *Bracton, lib. 1. ca. 8.* sayes thus of them — *Sunt & alii potentes sub Rege, qui dicuntur Barones, hoc est, robur belli; sunt & alii qui dicuntur vavafores, viri magna dignitatis: vavafor enim, nihil melius dici poterit, quam vas sortium ad valentiam.* — *Rex, &c.* *Ballivus Petri de Prælatu de Insula Gerse & Gernse, &c. volumus — quod Episcopi, Abbates, Abbatissa, Clerici, Milites, vavafores, & alii qui redditus & tenementa habent in Insula Gersey, &c. quintam partem reddituum suorum unius anni, &c. præbeant ad sustentandum milites & servientes qui prædictas Insulas defendunt.* Pat. 5 Joh. M. 7. See more of these in the learned *Spelmans Gloss.*

**Wabafozie**

**Vavaforie** (*Vavaforia*) The Lands that a Vavafor held — *Quod dicitur de Baronia non est observandum in Vavaforia, vel aliis minoribus feodis quam Baronia, quia caput non habent sicut Baronia.* Bract. lib. 2. cap. 39.

**Weal-Money, or Weal noble Money.** The Tenants of one of the Tithings within the Mannor of *Bradford in Com. Wilts.* pay a yearly Rent by this name to their Lord, the Marquess of Winchester, which is in lieu of *Feal* paid formerly in kinde.

**Wefours** (*Vifores*, from the Fr. *Voir*, i. *Cernere, intueri*) Are those that are sent by the Court to take view of any place in question, for the better decision of the right. *Old Nat. Br. fol. 112.* So *Bracton* uses it, *Lib. 5. tract. 3. cap. 8.* It signifies also those that are sent to view such as Efloign themselves *De malo lecti*, whether they are in truth so sick, as they cannot appear, or whether they counterfeit. *Bracton, lib. 5. tract. 2. cap. 10. & 14.* Lastly, It is used for those that are sent or appointed to view an offence, as a Man murdered, or a Virgin ravished. See *Vieu*.

**Wenditioni exponas,** Is a Writ Judicial, directed to the Under-Sheriff commanding him to sell goods, which he hath formerly, by commandment, taken into his hands for the satisfying a Judgment given in the Kings Court. *Reg. Judic. fol. 33.* And *Anno 14 Car. 2. cap. 21.*

**Ventre facias,** Is a Writ Judicial, going out of the Record, and lies where two parties plead, and come to Issue; for then the party Plaintiff or Defendant, shall have this Writ directed to the Sheriff, to cause Twelve Men of the same County to say the truth upon the Issue taken: And if the Enquest come not at the day of this Writ returned, then shall go a *Habeas Corpus*, and after a *Discessit*, until they come. *Old Nat. Br. fol. 157.* See how diversly this Writ is used in the Table of the Register Judicial. There is also a Writ of this name, that is *original*, as appears in the *Reg. of Writs, fol. 200.* Which *Lambert* in his Proccesses annexed to his *Eiron*, says, is the common Procces upon any Presentment, not being Felony, nor specially appointed for the fault presented by Statute, whereof he sets down an example in the same place. See also the *New Book of Entries, verbo, Inquesti*, fol. 253. And the *Stat. 35 Hen. 8. cap. 5.*

**Ventre facias tot matronas.** See *Ventre inqueiendo*, and *Lamb. Eron. lib. 4. cap. 14. pag. 537.*

**Ventre inspiciendo,** Is a Writ for the search of a Woman, that says she is with child, and thereby withholds Land from him that is next Heir at Law. *Register of Writs, fol. 227. a.*

**Venue or Veneuo** (*Vicinetum al. Visnetum*) Is taken for a neighboring or near place, *Locus quem vicini habitant.* For example, Twelve of the Assise ought to be of the same *Venue*, where the Demand is made. *Old Nat. Br. fol. 115.* *Anno 4 Hen. 4. cap. 26.* And *25 Hen. 8. cap. 6.*

—And also shall return in every such Panel upon the *Venire facias*, or sufficient Hundreders, at the least, if there be so many within the Hundred, where the *Venue* lies. See *Vifne*.

**Verd.** See *Vert*.

**Verderer** (*Viridarius*, Fr. *Verdeur*, i. *Custos nemoris*) Is a Judicial Officer of the Kings Forest, chosen by the Kings Writ in the full County of the same shire, within the Forest where he dwells, and is sworn to maintain and keep the Assises of the Forest, and to view, receive, and enrol the Attachments and Presentments of all manner of Trespasses of Vert and Venison in the Forest. *Manwood, par. 1. pag. 332.* His office is properly to look to the *Vert*, and see it be well maintained. *Crompt. Jurisd. fol. 165.* His Oath, Fee, and Authority, see in *Manwood supra*, and *fol. 51.*

**Verdict** (*Verdictum, quasi dictum veritatis*) Is the Answer of a Jury or Enquest made upon any Cause, Civil, or Criminal, committed by the Court to their trial; which is twofold, *General* or *Special*. *Stamf. Pl. Cor. lib. 3. cap. 9.* A *General Verdict*, is that, which is given or brought into the Court in like general terms to the *General Issue*; as in an Action of Disceisin, the Defendant pleads, *No wrong, no Disceisin*: Then the Issue is *General*, whether the Fact be a wrong or not, which being committed to the Jury, they, upon consideration of their evidence, come in and say, either for the Plaintiff, that it is a wrong and Disceisin, or for the Defendant, that it is no wrong, no Disceisin.

A *Special Verdict*, is, when they say at large, that such a thing, and such they finde to be done by the Defendant or Tenant, so declaring the course of the Fact, as in their opinion it is proved, and as to the Law upon the Fact, they pray the Judgment of the Court. And this *Special Verdict*, if it contain any ample Declaration of the Cause; from the beginning to the end, is also called a *Verdict at large*; whereof read divers examples in *Stamf. ubi supra*. *New Book of Entries, verbo, Verdict.* And *Coke on Littl. fol. 228. a.* Item utimur, quod *Balivi & Coronatores Burgi nostri usi fuerint & adhuc utuntur recipere Verdictum Duodecim Juratorum ex quacunque causa infra Burgum nostrum predictum seu ejus libertatem emergenti sine consensu, Senescalli presentia nullo modo expectata.* *MS. Codex de LL. & Statutis Burgi-villæ Mountgomer. fol. 15.*

**Verge** (*Virgata*) Is used for the compass of the Kings Court, which bounds the Jurisdiction of the Lord Steward of the Kings Household, and of the Coroner of the Kings House, and that seems to have been twelve miles compass. *Anno 13 Rich. 2. stat. 1. cap. 3. Britton, fol. 68. & 69. Cokes Rep. lib. 4. fol. 47.* See the *Stat. 33 Hen. 8. cap. 12. Fleta (lib. 2. cap. 4. sect. 1)* says, This compass about the Court is called *Virgata*, a *Virga*, quam *Marihalvus* portat ut signum sue potestatis.

Verge

**Verge** is also used for a Stick or Rod, whereby one is admitted Tenant, and, holding it in his hand, swears Fealty, to the Lord of a Mannor, who is therefore called *Tenant by the Verge*. *Old Nat. Br. fol. 17.*

**Verge of Land** (*Anno 28 Edw. 1 Statute of Wards*) *Virgata terra.* See *Yard-land*.

**Vergers** (*Virgatores*) Are such as carry White Wands before the Justices of either Bench, &c. *Fleta, lib. 2. cap. 28.* otherwise called *Porters of the Verge*.

**Very Lord, and very Tenant** (*Verus Dominus, & verus Tenens*) Are those that are immediate Lord and Tenant one to another. *Brooke, iii. Haviot, fol. 23.* In *Old Nat. Br. fol. 42.* You have these words — *And know ye that in taking of Leases, six things are necessary, viz. Very Lord, and very Tenant. Service behinde; the day of the taking; Seisin of the Services and within his Fee.* And, that a Man is not very Tenant, until he have returned to the Lord by some service. See *Anno 19 Hen. 7. cap. 15.* And see *Tenant*.

**Vert** (Fr. *Vert*, i. *Viridin*) Otherwise called *Greenbuc*, signifies in the Forest Laws, every thing that grows and bears green Leaf within the Forest, that may cover a Deer. *Manwood, 2 Part. fol. 6. & 33.* *Vert* is divided into *Over Vert*, and *Neather Vert*. *Over Vert* is that which our Law-Books call *Haut Bois*, and *Neather Vert*, *South-bois*. And of this you may read *Manwood, 2 par. cap. 6. per totum.* *Vert* is also sometimes taken for that power which a Man hath by the Kings Grant to cut Green Wood in the Forest. See *4 Inst. fol. 317.*

**Verbise**, Otherwise called *Plunkets.* *Anno 1 Rich. 3. cap. 8.* A kinde of Cloth.

**Vestes.** *Anno 1 Rich. 3. cap. 8.* And *Anno 14 & 15 Hen. 8. cap. 11.* otherwise called *Set Cloaths*, most commonly made in *Suffolk*.

**Vest** (*Vestire*) *Plenam possessionem terra vel predii tradere; salsinam dare, infodare.* Says *Spelman*.

**Vestry-men** (*Anno 15 Car. 2. cap. 5.*) Are a select number of the chief Parishioners of every Parish within the City of London, and Suburbs, and elsewhere, who yearly chuse Officers for the Parish, and take care of its concerns, so called, because they usually meet in the Vestry of the Church.

**Vesture** (*Vestura*) Signifies a Garment, but we turn it Metaphorically to betoken a Possession, or an admittance to a Possession, or Seisin: So is it taken in *Westm. 2. cap. 25.* And in this signification it is borrowed from the Feudists, with whom *Investitura*, imports a Delivery of Possession by a Spear or Staff, and *Vestura*, Possession it self. *Hottoman, verbo, Investitura.* *Vestura terra, i. Segetes quibus terra Vestitur.* *MS.*

**Vesture of an Acre of Land** (*Anno 14 Edw. 1. stat. 1.* Is the profit of it. So in *Extentia Manerii 4 Edw. 1.* It is inquirable, *How much the Vesture of an Acre is worth, and how much the Land is worth, when the wood is felled.*

**Vetitum namium,** *Namium* signifies a Taking or Distress, and *Vetitum*, forbidden; as when the Bailiff of a Lord Distrains Beasts or Goods, and the Lord forbids his Bailiff to deliver them, when the Sheriff comes to Replevy them, and to that end, drives them to places unknown, or when, without any words, they are so cloigned, as they cannot be replevied. Divers Lords of Hundreds, and Court Barons have power to hold Plea *De Vetito Namio*, in old Books called *De Veta. 2 Inst. fol. 140.* Sir Henry Spelman says it is *Antiqua Juris nostri locutio, & brevis Regis nomen.* See *Naam*.

**Vicario deliberando occasione cujusdam Recognitionis,** &c. Is a Writ that lies for a Spiritual Person, imprisoned upon forfeiture of a Recognition, without the Kings Writ. *Reg. of Writs, fol. 147.*

**Vicia & venellis Hundandis,** Is a Writ that lies against a Major or Bailiffs of a Town, &c. for the clean keeping their Streets. *Reg. of Writs, fol. 267. b.*

**Vicar** (*Vicarius*) The Priest of every Parish is called *Rector*, unless the Predial Tithes be appropriated, and then he is called *Vicar*, *Quasi vice fungens Rectoris.* *Sciunt—quod ego Johannes Webbe perpetuus Vicarius Ecclesie Parochialis de Bromyard Dedi—Domino David Hay perpetuo Vicario Ecclesie Parochialis de Anensbury duas acras terra, &c. Dat. 8 Hen. 5.* They stiled themselves *Perpetui Vicarii*, because every *Vicarage* hath a constant Succession, as a Corporation, and never dies. The Canonists mention four species of *Vicars*: *Quidam sunt perpetui, ad Parochias Ecclesias constituti; quidam non perpetui, sed ad aliquos actus constituti, ut temporales; & isti dicuntur, mercenarii: Quidam sunt speciales, non ad curam, sed ad certum locum, articulum vel actum constituti: Quidam nec perpetui, nec ad curam, nec ad certum actum, sed generaliter dantur ad omnia.* See *Vocab. utriusque Juris, verbo Vicarius*.

**Vice-Chamberlain,** called *Under-Chamberlain* (*Anno 13 Rich. 2. stat. 2. cap. 1.*) Is a great Officer in Court, next under the Lord Chamberlain, and in his absence hath the command and controlment of all Officers whatsoever, appertaining to that part of his Majesties Household, which is called the *Chamber*, or above stairs.

**Viceregent** (*Anno 31 Hen. 8. cap. 10.*) A Deputy or Lieutenant.

**Vicinage** (Fr. *Voisinage*) Neighborhood, nearness. *Mag. Char. cap. 14.* See *Venue*.

**Vicinetum.** See *Vifne*.

**Vicount** alias **Viccount** (*Viccomes*) Signifies as much as *Sheriff*: Between which two words, I finde no other difference, but that the one comes from our Conquerors the Normans, the other from our Ancestors the Saxons, of which, see more in *Sheriff*.

**Vicount** also signifies a degree of nobility next to an Earl, which *Camden* (*Britan. pag. 170.*) says, Is an old name of Office, but a

new one of dignity, never heard of among us till Henry the Sixth dayes, who, in his eighteenth year, in Parliament created John Lord Beaumont, Viscount Beaumont, but far more ancient in other Countries. *Cassan. de Gloria mundi, par. 5. consider. 55. Sec Sheriff. And Seldens Titles of Honor, fo. 761.*

**Vicountiela, (Vicecomitia)** Are certain Farms, for which the Sheriff pays a rent to the King, and makes what profit he can of them. *v. Stat. 33. & 34 Hen. 5. ca. 2. Writs Vicountiel are such Writs as are triable in the County, or Sheriff's Court. Old Nat. Br. fo. 109. of which kind you may see divers Writs of Nuisance set down by Fitz. in his Nat. Br. fo. 184. b. See Anno 6 Rich. 2. ca. 3.*

**Vicountiel Rents, Mentioned** 22 Car. 2. ca. 6. see Vicountiela.

**Widimus, (Anno 15 Hen. 6. ca. 3.)** See Innotescimus.

**Wieu, (Fr. Fieu, i. Visus, conspectus)** Signifies the act of Viewers: For, when any Action real is brought, and the Tenant knows not well what land it is that the Demandant asks, then he may pray the *wieu*, which is, that he may see the land which is claimed, of this Britton writes, ca. 45. This course of proceeding we received from the Normans, as appears by the *grand Customary, ca. 66. and 80.* This *wieu* is used, as in other cases, so in an Assise of rent-service, rent charge, or rent seek. *Fitz. Nat. Brev. fo. 178. and in a Writ de Curia claudenda. Idem, fo. 128. In a Writ of Nuisance, idem, fo. 183. In a Writ Quo iure. Idem, fo. 128. In the Writ de rationabilibus divisib. Idem, fo. 129. And, in the Writ de sella ad molendum. Idem, fo. 123. See the New Book of Entries, verbo, *wieu*, and, how this *wieu* is made, in *Electa, lib. 4. ca. 6. See Vicours, and Westm. 2. ca. 45.**

**Wieu of Frankpledge, (Visus Franci plegii)** Is the Office which the Sheriff in his County Court, or the Bailiff in his Hundred performs, in looking to the Kings peace, and seeing that every man be in some pledge. This is called by Bracton, *Res quasi sacra, quia solam personam Regis respicit, & introducta pro pace & communi utilitate, lib. 2. ca. 16. num. 8. See Frankpledge, Lex & Decernier. See New Book of Entries on this word.*

**Wit laica remobendo, Is a Writ that lies for the removing a forcible possession of a Benefice, kept by Lay-men; and is sometimes granted upon the Certificate of the Bishop into the Chancery, that there is such a force in his Diocese; sometimes onely upon a surmise thereof made by the Incumbent himself, and has a several form for either case. *Fitz. Nat. Brev. fo. 54. Reg. of Writs, fo. 59 & 60.***

**Wigth, (Vigilia)** Anno 2 & 3 Ed. 6. ca. 19. is used for the eve or day next before any solemn Feast; because then Christians of old were wont to watch, fast and pray in their Churches.

**Willa, (Villa)** Is taken for a Mannor, and sometimes for a Parish, or part of it. *Villa,*

*apud Saxones nostros antiquos Romano sensu accipi videtur, pro pradio unius alicujus in vure, cum idoneis adibus ad reponendus ejusdem fructus honestato. Non autem primitus pro multarum mansionum connexione, quod in oppidis potius expectandum esset, & successivis temporibus cultus postea introductum est. Spelman. Will and Parish shall be intended all one, 2 Part Crokes Rep. Wreys Case, fo. 263. yet there may be two Villis in one Parish, idem, fo. 120. Storks Case.*

**Willain, (Villanus) Fr. Vilain, i. Illiberallus, vilis, impurus** Signifies a Bondman, of which there were two sorts in England, one termed a Villain in gross, who was immediately bound to the person of his Lord and his heirs; the other a Villain regardant to a Mannor, whom the Civilians term *Glebe adscriptitium*, being bound to their Lord, as Members belonging to, and annexed to a Mannor, whereof the Lord was owner. *Sir Thomas Smith Repub. Angl. lib. 3. ca. 8. Old Nat. Br. fo. 8. & Bracton, lib. 1. ca. 6. num. 4.* He was properly a pure Villain, of whom the Lord took redemption to marry his Daughter, and to make him free, and whom the Lord might put out of his Lands and Tenements, Goods and Chattels at his will, and beat and chastise, but not maim him. There are not properly any Villains now, though the Law concerning them stands unrepealed; We have rarely heard of any Case of Villainage, since *Crouches Case in Dyer. See Preface to Rolls Abridgment. Servorum enim & Nativorum apud nos sublata est conditio; & quas idco possidebant terras vel pradia, hodie libere tenent sub antiqua servitutis consuetudinibus. Spel.*

*Omnibus — Frater Mathaeus Abbas de Halesowen & Conventus ejusdem loci salutem. Noveritis nos unanima voluntate & consensu fecisse Johannem del Grene de Rugearum liberum, cum tota sequela sua procreata & procreanda, & cum omnibus catallis suis habitis & habendis. Ita ut quod praefatus Johannes, cum tota sequela sua procreata & procreanda & cum omnibus catallis suis habitis & habendis, ab omni iugo servitutis liberi maneant imperpetuum. In cuius rei testimonium huic littere libertatis sigillum nostrum apposimus. Dat. 31 Ed. 3. Ex ipso Autographo peres Johannem Winford Mil.*

**Willanis Regis subtrahitis reducendis** Was a Writ that lay for the bringing back of the Kings Bondmen, that had been carried away by others out of his Mannors, whereto they belonged. *Reg. of Writs, fo. 87. b.*

**Villanous Judgment, (Villanum Iudicium)** Is that which casts the reproach of villany and shame upon him against whom it is given, as a Conspirator, &c. *Stamf. Pl. Cor. lib. 3. ca. 12. fo. 175. which Lam. in his Eiren. (lib. 1. ca. 13. pa. 63.)* calls villanous punishment, and says, it may well be called villanous, because the Judgment in such a case, shall be like the ancient Judgment in *Attaint* (as it is said Anno 4 Hen. 5. *Fitz. Judgment, 220*) and (in 27 lib. *Assis. pl. 59.*) is set down to be, that they

they shall not be of any credit afterward, nor lawful for them in person to approach the Kings Court, and that their Lands and Goods be seized into the Kings hands, their Trees rooted up, and their Bodies imprisoned, &c. And, at this day, the punishment appointed for Perjury, (having somewhat more in it then corporal, or pecuniary pain, stretching to the discrediting the testimony of the Offendor for ever) may be partaker of this name. This and such like is elsewhere termed *vile & odibile Iudicium*. See Pillory.

**Willein fleeces, (Anno 31 Edw. 3. ca. 8.)** Are bad fleeces of Wool, that are shorn from scabbed Sheep.

**Villainage, (Villanagium)** Signifies a servile kind of tenure of Lands or Tenements, whereby the Tenant was bound to do all such services as the Lord commanded, or were fit for a villain to perform; ubi servi non poterit vespere, quale servitium fieri debet manere. *Bracton, lib. 2. ca. 8. num. 3.* The division of Villainage, was villain of Blood, and of Tenure. Tenure in Villainage could make no Freeman villain, if it were not continued time out of mind; nor free land make villain free. Villainage is also divided by Bracton (ubi supra) into *Purum villanagium* a quo praestatur servitium incertum & indeterminatum, as above is said; and *Villanagium Soccagium*, which was to carry the Lords Dung into his Fields, to plow his ground at certain dayes, Sow and Reap his Corn, &c. and even to empty his Jakes, as the Inhabitants of Bickton were bound to do those of *Clun Castle* in Shropshire, which was afterwards turned into a Rent, now called *Bickton silver*, and the villanous service excused. *Pl. cor. 10. Ed. 2. m. 1636.*

### Placita de Banco a die Pasche in 15 dies, 34 Hen. 3. Rot. 20 Berks.

**Will. Maynard, qui tenuit terras in Henst, cognoscit se esse Villanum Abbatu de Abendon, & tenere de eo in Villanagio & per villanage consuetudines, viz. per servitium 18 d. per annum & dandi Maritagium & Marchetum pro filia & forore sua, ad voluntatem ipsius Abbatis, & faciendo omnes villanas consuetudines. Copyholders, or Tenants by Copy is but a new name; for anciently they were called Tenants in Villanage, or of base Tenure. *Fitz. Nat. Br. fo. 28. C.***

**Winnet, (Anno 14 Car. 2. ca. 33.)** A kind of flower or border, with which Printers use to garnish printed leaves.

**Virgata terra, Al. Virga terra.** A Yardland. *MS. Codex. — Decem acra terra faciunt secundum antiquam consuetudinem, unam ferdellam, & quatuor ferdella faciunt virgatam. See Yardland.*

**Viridario eligendo,** Is a Writ that lies for the choice of a Verderor in the Forest. *Reg. of Writs, fo. 177.*

**Virilia, A mans privy-member,** the cutting off of which was Felony by the Common Law, (according to Bracton, lib. 3. fo. 144.) whether the party consented or not. *Henricus Hall & Anzor ejus capti & detenti in prisona de Ewilebester, eo quod relictati fuerint quod ipsi absciderunt virilia Johannis Monachi, quem idem Henricus deprehendit cum praedicta A. uxore ejus. Rot. Claus. 13. Hen. 3. m. 9.*

**Virga ferrea, — Sciatis — quod ego Hamundus Virri dedi — Nich. filio Edm. pro xiii s. sterlingis quos mihi dedit praefatus Hamundus, unam placetam terra mea in vico versus Duffelece, quae jacet inter terram meam & terram Philippi filii Heglin, ejus latitudo in fronte continet in sex virgas ferreas praeter unum quantum, & totidem arcro, &c. Ex libro Cart. Prior. Icoministr. This was so many yards, according to the Kings Standard in the Exchequer, which anciently was of Iron, now Brass.**

**Visitatio, (Visitatio)** Is that Office or Action which is performed by the Bishop in every Diocese once in every three years, or by the Arch-deacon once a year, by visiting the Churches, and their Rectors, &c. — *Uti populus illorum cura commissus salubriter a pastoribus & ordine gubernetur. Reform. Leg. Eccles. 10. 124. Ne quid detrimenti capiat Ecclesia, sayes another Author.*

**Visitatio of Mannors, (Visitatio morum)** Was wont to be the name of the Regarders Office in ancient time. *Manwood, Par. 1. pa. 195. See Regarder.*

**Vicine, (Vicinium)** Signifies a Neighbour place, or a place near at hand. *Anno 16 Rich. 2. ca. 6. dicitur vicinium in fure nostro locus quem vicini habitant, qui olim intelligebatur de eadem villa sive adjacentibus, atque alias de eodem Hundredo vel proximo modo vero de eodem pago, sive Comitatu, hoc est compagenfes. Spelm. See Vicene.*

**Witu Franciplegit, Is a Writ, to exempt him from coming to the View of Frankpledge, who is not resident within the Hundred; For men are bound to this View, by reason of their habitation, and not of Lands held where they dwell not. *Reg. of Writs, fo. 175.***

**Witteller alias Witualler (Vicualarius al. Viellarius)** Is he that sells Viuals; for whom there is a Writ in *Fitz. Nat. Br. fo. 172.* If they exercise their Trade, bearing a Magistracy in any Town Corporate.

**Wiba pecunia, Anciently used for live Cattle. See Pecunia.**

**Wiba boce, See Deposition.**

**Wibary (Vivarium)** Signifies a place on Land, or Water, where living things are kept. In Law it most commonly signifies a Park, Warren, Fish-pond, or Piscary. *Cokes second part Inst. fol. 100. Hae est conventio inter Priorem & Conventum Canoniorum de Rudham & Rogerum de Glanvilla, de Molendino & stagno de Thorp, sc. quod Canonici reddent annuatim praefato Rogero 7 fol. quemadmodum pater ejus Robertus de Glanvilla solebat habere tempore Michaele Prioris; & si Rogerus de Glanvilla fuerit*

vis in Ruon vel uxor ejus, ipse poterit piscari in Vivario absque Waslo cum Batello Canonico, &c. Anno 1171. 8 Maii. M. S. Penes Gul. Dugdale Arm.

**Ulnage.** See *Alnage*.

**Ulncoze prius.** Is a Plea for the Defendant, being sued for a debt due at a day past, to save the forfeiture of his Bond; saying, he tendered the debt at the time and place, and that there was none to receive it, and that he is yet also ready to pay the same. 7 Edw. 6. 83 Dyer. See *Unques prius*.

**Ulnuth (Sax.)** Unknown. It is used in the ancient Saxon Laws, for him that comes to an Inn guest-wife, and lies there but one night; in which case his Host was not bound to answer for any offence he committed, whereof he was guiltless himself. See *Lamb. Archai. fol. 133. num. 7.* — Item secundum antiquam consuetudinem dici poterit de familia alicujus, qui hospes fuerit cum alio per tres noctes; quia prima nocte poterit dici Ulnuth Secunda vero **Uult**, tertia nocte **Hogbenebine**. *Bracton, lib. 3. cap. 10. num. 2.* See *Thronightaumbine*.

**Unde nihil habet.** Is a Writ. See *Dote unde nihil habet*.

**Under-chamberlain of the Exchequer,** Is an Officer there, that cleaves the *Tallies*, written by the Clerk of the *Tallies*, and reads the same, that the Clerk of the *Pell*, and the Comptrollers thereof may see their Entries be true; he also makes searches for all Records in the Treasury, and hath the custody of *Domesday Book*. There are two Officers there of this name.

**Under Sheriff.** (*Subviccomes*.) See *Sheriff*.

**Under sitter,** Is an Inmate. See *Inmate*.

**Undertakers,** Were such as were employed by the Kings Purveyors as their Deputies. Anno 2 & 3 Phil. & Ma. cap. 6. And such as undertake any great work, as draining of Fens, &c. Anno 43 Eliz. cap. 11.

**Under Treasurer of England.** (*Victhesaurarius Anglia*) Anno 39 Eliz. cap. 7. This Officer is confounded in other Statutes with Treasurer of the Exchequer, as in 35 Eliz. In the vacancy of the Lord Treasurers Office, he does all things in the Receipt that the Lord Treasurer doth. Anciently he did Chest up the Kings Treasury at the end of every Term, and note the content of Money in each Chest, and see it carried to the Kings Treasury in the Tower, for the ease of the Lord Treasurer, &c.

**Uniformity (Uniformitas)** One form of Publick Prayers and Administration of Sacraments, and other Rites and Ceremonies in the Church of England; prescribed by the Statutes 1 Eliz. cap. 2. And 14 Car. 2. cap. 4.

**Union (unio)** Is a combining or consolidating of two Churches in one, which is done by the consent of the Bishop, the Patron and Incumbent: But there are two other sorts of it; as when one Church is made subject to the

other, and when one Man is made Rector of both, and when a Conventual is made Cathedral, as you may read in the Gloss of the Chapter, *Licet de locato & conducto*, in *Lyndwoods Provincials, Sect. Et quia* — In the first signification, by the Statute 37 Hen. 8. cap. 21. It was made lawful to make an Union or Consolidation of two Churches in one, whereof the value of the one is not above six pounds in the Kings Books of the First Fruits, and not above one mile distant from the other. And by another Statute 17 Car. 2. cap. 3. It shall be lawful for the Bishop of the Diocese, Major, Bailiff, &c. of any City or Corporate Town, and the Patron or Patrons, to unite two Churches or Chappels in any such City, Town, or the Liberties thereof; provided such Union shall not be good, if the Churches to be united exceed the sum of One hundred pound per annum, unless the Parishioners desire otherwise, &c.

**Unity of Possession,** Signifies a Joynit-possession of two Rights by several Titles; As, if I take a Lease of Land from one upon a certain Rent, afterwards I buy the Fee-simple; this is an *Unity of Possession*, whereby the Lease is extinguished, by reason that I, who had before the occupation onely for my Rent, am become Lord of the same, and am to pay my Rent to none but my self.

**Universtie (Universitas)** Is most usually taken for those two Bodies, which are the Nurseries of Learning and Liberal Sciences in this Realm, *Oxford* and *Cambridge*, endowed with great favors and privileges, as appears not onely by Anno 2 & 3 Ph. & Mar. cap. 15. — 13 Eliz. cap. 21. & 18 Ejsd. cap. 6. But much more by their several Charters, granted by divers pious and munificent Kings of this Land. Anno 14 Car. 2. cap. 4.

**Unlage (Sax. Un-la-ga)** A wicked or unjust Law. In which sense the word occurs in *LL. Hen. 1. cap. 34. 84.*

**Unlawful Assembly (Illicita Congregatio)** Is the meeting of three or more persons together, with force to commit some unlawful Act, and abiding together, though not endeavoring the execution of it, as to assault or beat any person, to enter into his House or Land, &c. *West, par. 2. Symbol. tit. Indisements, sect. 65.* *Lambert in his Eiren. cap. 19.* By the Statute of 16 Car. 2. cap. 4. And 22 Ejsd. cap. 1. If five persons or more shall be Assembled together above those of the Family, at any Conventicle or Meeting, under colour of any Exercise of Religion, it is unlawful and punishable by Fines, and otherwise, as in the said Statute is expressed.

**Unques prius (i. Always ready)** Is a Plea whereby a Man professeth himself always ready to do, or perform that, which the Demandant requires. For example, A Woman sues the Tenant for her Dower, and he, coming in at the first day, offers to aver, that he was always ready, and still is to perform it. In this case, except the Demandant will aver the contrary, he shall

shall recover no damages. When this Plea will serve to avoid charges, and when not, see *Kitchin, fol. 243.* See *Unques prius*.

**Voidance (Vacatio)** Is a want of an Incumbent upon a Benefice, which is twofold; either in Law, as when a Man hath more Benefices incompatible; or in Deed, as when the Incumbent is dead, or actually deprived. *Brook, tit. Quare impedit. num. 51.*

**Volumus,** Is the first word of a Clause in the Kings Writs of Protection and Letters Patent. Anno 1 Rich. 2. cap. 8. And 13 Ejsd. cap. 16. Of Protections some are *Cum clausula Volumus*; and of these there are four kinds, viz. 1. *Quia profecturus.* 2. *Quia moraturus.* 3. *Quia indebitatus nobis existit.* 4. When any one, sent into the Kings service beyond Sea in War, is imprisoned. *Coke on Littl. sect. 199.*

**Voucher (Vocans)** Is a word of Art, and is in the understanding of Law, when the Tenant calls another into the Court that is bound to him in Warranty, and that is either to defend the right against the Demandant, or to yield him other Lands, &c. in value; and extends to Lands or Tenements of Freehold, or Inheritance, and not to any Chattel Real, Personal, or mixt, &c. He that Voucheth is called the *Voucher (Vocans)* and he that is vouched is called *Vouchee (Warrantus)*. The Process whereby the *Vouchee* is called, is a *Summons ad Warrantizandum*, &c. A Recovery with a single *Voucher* is, when there is but one *Voucher*; and with a double *Voucher*, is when the *Vouchee* voucheth over, and so a treble *Voucher*. There is also a Foreign *Voucher*, when the Tenant being impleaded within a particular Jurisdiction (as in *London*, or the like) voucheth one to Warranty, and prays, That he may be summoned in some other County out of the Jurisdiction of that Court; which might more aptly be called a *Voucher of a Foreigner*, *De forinsecis vocatis ad Warrantizandum*. *Coke on Littl. fol. 101. b.* See *Recovery*.

*Voucher*, Is also used in the Statute (19 Car. 2. cap. 1.) for a Lieger Book or Book of Account, wherein are entered the Acquittances or Warrants for the Accomptants discharge.

**Upland (Uplanda)** High Ground, or as some call it *Terra firma*, contrary to Moorish, Marsh, or Low Ground. — *Duramque terram novem Miliaria per aquam, de Uplanda, id est de superiori terra, schaphis deferri, & paludibus commisceri jussit.* *Ingulp. Hist. Croyland.*

**Usage,** See *Prescription*.

**Use (Usus)** A Deed consists of two principal parts, namely, the *Premises*, and the *Consequents*. The *Premises* is the former part of it, being all that which precedeth the *Habendum*, or Limitation of the Estate, which are the persons contracting, and the thing contracted. The *Consequent* is the *Habendum*, in which are two Limitations; the one, of the Estate or Property which the Party Passive shall receive by the Deed; the other of the *Use*, which is, to express in the said *Habendum* to, or for what

use and benefit he shall have the same Estate. And of the Limitation of such *Uses*, you may read many Prefidents in *West, lib. 2. par. 1. sect. 308.* These *Uses* were invented upon the Statute of *Westm. 3.* *Quia emptores terrarum*, before which Statute, no such *Uses* were known. And because in time many deceits were invented, by selling the possession in one Man, and the *Use* in another, Anno 27 Hen. 8. cap. 1. it was Enacted, That the *Use* and Possession of Lands should always stand united. See *Coke, lib. 3. Chudleys Case*.

**Uter de Action,** Is the pursuing or bringing an Action, in what place and County is ought to be. See *Brook, tit. Lien and County, fol. 64.*

**Usher (Fr. Huissier, i. A Door-keeper of a Court)** Is an Officer in the Exchequer, of which there are four that attend the Chief Officers and Barons at the Court at *Westminster*, and *Juries*, *Sheriffs*, and all other Accomptants at the pleasure of the Court. There are also *Ushers* in the Kings Court, as of the *Privy Chamber*, &c. See *Blackrod*.

**Utiat.** In *Privilegio de Scemplingham*. — *Sint quieti tam ipsi quam homines eorum, &c. de omnibus misericordiis & amerciamenis & satisfactionibus, &c. Et de murdro & latrocinio & concyges & Utiat, & Hansoka, Gritbrich, Blutwit, &c.* Perhaps miswritten for *Utlage* or *Utlagat*. See *quare*. In *Kelways Report* I finde *Utiatch*.

**Usufruction (Usufructio)** The enjoying a thing by continuance of time, or receiving the profits; long possession or prescription.

**Usufructuary (Usufructuarius)** One that hath the use, and reaps the profit of any thing.

**Usury (Usura)** Is Money or Moneys worth, given above the principal sum for the Loan of it; otherwise called *Interest* or *Use*. *Usura si commodum certum quod propter usum rei mutuae accipitur.* *Cokes 5 Rep. Paytons Case.* By the Stat. 12 Car. 2. cap. 13. no Man shall take above Six pound for the forbearance of One hundred pound for a year, under the penalties therein contained. See *Cokes 3 Instit. fol. 151.* By the Stat. 3 & 11 Hen. 7. it is called *Dry Exchange*.

**Utas (Oblava)** Is the eighth day following any Term or Feast, as the *Utas* of *S. Michael*, the *Utas* of *S. Hilary*, &c. whereof you may read Anno 51 Hen. 3. Statute concerning General days in the Bench. And any day within the Feast, and the eighth day is said to be within the *Utas*. The use of it is in the return of Writs, as appears by the Statute. At the *Utas* of the Holy Trinity. Preamble to the Stat. 43 Edw. 3.

**Utensil (Fr. Utenfile)** Any thing necessary for our use and occupation: Householdstut.

**Utsangthes (Sax. Ut-pang-þeof, i. Extra captus, scil. Extra dominium vel jurisdictionem)** Is an Ancient Royalty or Privilege granted to the Lord of a Mannor by the Kings, which gives him power to punish a Thief, dwell-



ing, and committing their out of his Liberty, if he be taken within his Fee. *Utsangthef* dicitur extraneus *Utsang*, veniens aliunde de terra aliena, & qui capus fuit in terra ipsius, quia tales habet libertatem. *Bracton*, lib. 2. tract. 2. cap. 35. Anno 27 Hen. 3. cap. 16.

**Utlaghe** (*Utlaghe*) An Outlaw. — *Fuit quidam Utlagus famosissimus, partes istas frequentans propter iter commutationum inter Nottingham & Derby per forestam. Mon. Angl. 2 par. fol. 138. a. See Outlaw.*

**Utlagato capiendo quando utlagatur in uno Comitatu & postea fugit in alium**, Is a Writ, the nature whereof appears in the words of its name. See Reg. of Writs, fol. 133.

**Utlans** (Sax. i. terra extera) Dicebatur terra servilis seu tenementalis, quod de proximis terrarum Dominicalium, que *Inland* nuncupate sunt, in exteriorem agrum rejecebantur. Vide *Inland*.

**Utlarp** or **Utlaroy** (*Utlaria* vel *Utlagaria*) Is a punishment for him, who, being called into Law, and lawfully fought, does (after an Original Writ, with a *Nihil habet*, Three Writs of *Capias*, *Alia*, and *Pluries*, Returned by the Sheriff with a *Non est inventus*, and an *Esigent* with a Proclamation thereupon Awarded) contemptuously refuse to appear. He must also be called at Five County-Court days, a Month between each one; and if he appear not within that time, *Pro exlege tenetur*, cum principi non obediat nec legi, & ex tunc *Utlagatur*, that is, he shall be pronounced to be out of the Kings Protection, and deprived of the benefit of the Law: The effect of which is divers, For if he be outlawed at the sure of another in a civil Cause, he shall forfeit all his Goods and Chattels to the King; if upon Felony, then all his Lands and Tenements which he hath in Fee, or for Life, and his Goods and Chattels. Et tunc *erit caput Lapidum*, ita quod sine judiciali inquisitione vite pereat, & secum suum iudicium portet, & merito sine lege pereat, qui secundum legem vivere recusavit, &c. Says *Bracton*, lib. 3. tract. 2. cap. 11. A Minor or Woman cannot be outlawed; but where a Man is termed outlawed, a Woman is said to be *married*. How an Outlaw is *inlawed* again, and restored to the Kings Peace and Protection. See *Bracton*, lib. 3. tract. 2. cap. 14. And *Fleta*, lib. 1. cap. 27. & 28. See Outlaw.

**Utlepe**. Significant *escapium*, hoc est, *Evansionem latronum*. *Fleta*, lib. 1. cap. 47. And 18 Hen. 6. Part. 2. m. 22.

**Utrum**. See *Affix*.

**Uttar Barraters** (*Uttar Barraters*) Are such, who for their long study and great industry, bestowed upon the knowledge of the Common Law, are called out of their contemplation to practise, and in the view of the World to take upon them the Protection and Defence of Clients. In other Countreys they are called *Licenciati in Jure*. The time, before any one ought to be called to the Bar, by the Ancient Orders, was heretofore eight

years, now reduced to seven. And the exercise done by him (if he were not called *Ex gratia*) was Twelve *Grand Moors*, performed in the Inns of Chancery in the time of the *Grand Readings*, and Twenty four *Petty Moors* at the Inns of Chancery in the Term times, before the Readers of the Respective Inns of Chancery. A *Barrater* newly called, is to attend the six next long Vacations, the Exercise of the House, viz. In Lent and Summer, and is thereupon for those three years called a *Vacation Barrater*. And they are called *Uttar Barraters*, i. Pleaders without the Bar, to distinguish them from Benchers, or those who have been Readers, who are sometimes admitted to plead within the Bar, as the King, Queen, or Princes Council are.

## W.

**Waffroze** (*Waffroze*) Edward the Fourth constituted a Triumvirate of Officers with Naval Power, whom the Patent (22 Edw. 4. Memb. 2.) styles *Custodes*, *Conduitores*, and *Waffroze*; and these were chiefly to guard our Fishermen on the Coast of Norfolk and Suffolk. We still retain the word to *Waff* over, i. To Convey or Conduct over Sea.

**Waga** alias **Waga**, A *Wedge*, which is a Measure of Cheete, Wool, &c. containing Two hundred fifty six pound of *Averdupois*, according to *Cowel*; for by the Statute of 9 Hen. 6. cap. 8. a *Wedge* of Cheete ought to contain Thirty two Cloves, and the Clove eight pound, though some say but seven. — *Quam Wagam salis de salinis suis de Terinton*, Mon. Angl. 1 par. fol. 515. See *Wedge*.

**Wage** (*Vadiare*, Fr. *Gager*) Signifies the giving security for the performance of any thing; as to *Wage Deliverance*, which fee in *Gage*; to *Wage Law*, fee in *Law*. None *wageth Law* against the King. *Brook*, iii. *Cloze in Aleson*, num. 9. See *Coke on Littl.* fol. 294. b. *Tit. Ley-gager*.

**Wager of Law**. See *Law*.

**Waif** or **Waepf** (*Waivium*) Or goods *waived*, are those which a Thief hath stolen, and being pursued or over-charged with the burden, flies and leaves the goods behind him: Then the Kings Officer, or the Bailiff of the Lord of the Manor (within whose jurisdiction they were left) who (by prescription or grant from the King, hath the Franchise of *Waif*) may seize the Goods to his Lords use, except the owner come with fresh sute after the Felon, and sue an Appeal within a year and a day, or give in evidence against him at his arraignment, and he be attained. In which Cases, the owner shall have restitution of his Goods, though *Waif* is properly spoken of Goods stolen, yet it may be also of Goods not stolen; as if a Man be pursued with *Hue and Cry*, as a Felon, and he

he flies and leaves his own Goods, these shall be forfeit, as Goods stolen; and are properly called *Effugitives Goods*. See *Coke*, lib. 5. *Forfeitures* Case.

**Waifs**, *Things lost* and *Strays* must, by the Lord of the Franchise where they are found, be caused to be cried and published in Markets and Churches near about, else the year and day does not run to the prejudice of him that loit the M. *Brion*. cap. 17. — *Plac. coram Joh. de Berewel & Sociis suis Justic. Itin. apud Salop.* in Octab. Sancti Michaelis 20 Ed. 1. Rot. 29. in Dorso. *Richardus fil. Alani Comes Arundel summotus fuit ad respondend. Domino Regi de placito quo Warranto clamat habere placita Corona & habere Waif in Manerio suo de Upton subius Haweman, &c. in Com. Salop.* Et Comes dicit quod ipse clamat habere *Infangenethof* & *Waif*, & eadem placita & iuratas habuerunt, ipse & omnes antecessores sui, & eisdem usi sunt a tempore quo non extat memoria & eo Warranto clamat, &c. Et Hugo de Lowther qui sequitur pro Domino Rege dicit quod *Waif* est quoddam grossum de Corona, ita Corona Domini Regis annexum, quod nullus eo gaudere possit, nisi inde habeat speciale Warrantum a Domino Rege vel antecessoribus suis concessum. *Waepf*, i. Si aliquis adduxerit aliquam animaliam, ut oves, boves, equos & huiusmodi, vel aliquas alias res, & inde suspensus & arrestatus fuerit a Balivo Prioris donec probaverit per fideles homines, quod ille res suas non fuerant, & ille dimissus non redierit: Dicitur res seu animalia servabuntur per unum annum & unum diem, & si ille non redierit & res suas esse probaverit, erunt Prioris, &c. Si aliquis alius venerit, & res suas legitime esse probaverit, datis expensis illas habebit. Ex Registro Prior. de Cokesford.

**Wainable**, That may be Ploughed or Manured, Tillable. — *Declimus* — in loco qui vocatur Shipplade la Moreis, & la terre Wainable, & la Bruere, &c. Carta Rogeri de Sales. Sine dat.

**Wainage** (*Wainagium*) From the Sax. *pan*, i. *Plaustrum*, *Vehiculum*.) *Mag. Char. cap. 4.* — And any others *Willaing*, then ours shall be likewise amerced, saving his *Wainage*, if he fall into our mercy. Sir *Edward Coke* (2 Part Instit. fol. 28.) says it signifies the Contentment or Countenance of the Villain. But *quare* whether it may not rather signify, the turniture or appurtenances of the Cart or *Wain*, wherewith he was to do Villain-service. See *Gainage* and *Wannage*.

**Waitefe**. *Tho. Spelman, Filius Johannis, obiit 12 Martii, 1 Eliz.* & dicitur in Inquisitione tenuisse Manerium de Narborough cum tertia parte Advocacionis Ecclesie, &c. De Domina Regina, ut de Manerio suo de *Wingrave* per servitium Militare, & per redditum 14 s. pro *Waitefe* & *Castlegarde*, & valet clare per annum 34 l. 17 s. 10 d. quadrantem. Patet in *Schedula liberationis Joh. Spelman fratris sui*, 7 Aug. 5 Eliz. Perhaps a Fee to excuse his *Waiting* or giving Attendance at the Castle.

**Waibfaria mulieris**, Is as much as *Utl-*

*gato* *vint. Reg. of Writs, fol. 132.* Many of the Kings Liege People outlawed, and many waived by erroneous Process. Anno 7 Hen. 4. cap. 13. See *Utlary*.

**Wakeman** (Sax.) The Chief Magistrate of the Town of *Rippon* in *Yorkshire*, so called; *quasi, Watchman*. *Cam. Britan.*

**Wald** (*Walla*) See *Weald*.

**Walkers**, Are those who are otherwise called *Foresters*. *Crump. Jurisd. fol. 145.* There are *Foresters* assigned by the King, who are *Walkers* within a certain space of Ground assigned to their care.

**Wall** or **Sea-wall** (*Walla* vel *Wallia*.) See *Waterage*.

**Walletheria** or **Waletheria**. — *Quod quatuor villate propinquiores loco ubi casus hominidum vel infortunium contigit, veniant ad proximum Comitatum, una cum inventore & Walletheria*, i. *Parentela hominis interfecti*, & ibidem presentent *sacrum scelum & casum infortunii*, &c. *Reperio* (says *Spelman*) in nota quadam A. *Walletheria*, i. *Parentela interfecti*, scilicet unus ex parte patris & alius ex parte matris. And concludes with — *Significat Wallica pars ut videtur*.

**Wang** (Sax.) A Field; also the Cheek or Jaw, wherein the Teeth are set. Hence with *Chaucer* we call the Cheek-Teeth or Grinders *Wangs* and *Wang-teeth*, which is also notified in that old way of sealing writings.

And in witness that this is sooth,  
I bite the *Wang* with my *Wang tooth*.  
See *Wang*.

**Wangenetheof**. — *Manerium de A. sit quietum de Geth & Scorch, de Wreche & de Wangenetheof & Daneguth, &c. Pat. 22 H. 4. par. 1. m. 33. Quere.*

**Wannage** (*Wannagium*) — *Eodem anno* (scil. 1195.) *Rex Angl.* accepit de unaquaque carucata terra sive *Hyda* totius Anglie 5 Sol. de auxilio, ad quos colligendos misit idem Rex per singulos Comitatus Anglie unum Clericum & etiam unum militem — *Qui fecerunt venire coram se Senescallos Baronum illius Comitatus, qui juraverunt quot Carucarum Wannagia fuerint in singulis villis, &c. Ipsi vero qui electi fuerant & constituti ad hoc negotium Regis faciendum, statuerunt per estimationem legalium hominum, & claudemus xl acras terre ad excolendum vel ad censandum, ad libitum nostrum.* *Mou. Angl. 2 par. fol. 612. a.* Here *Wannagia* seem to signify *Wainborser*, or necessary out-houses for Husbandry.

**Wapentake** (Sax. *papen-ge-tace*, i. *Arma invadere*) Is all one with that we call a *Hundred*, as appears by *Bracton* (lib. 3. tract. 2. cap. 1. num. 1.) *Convocatur postmodum servientes & Balivi Hundredorum & per ordinem* *irru*.

*Don't  
forget to  
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FVaste

**Waste** is brought for recovery of the thing wasted, and treble damages. See *Vasto*. Waste of the Forest is most properly, where a Man cuts down his own Woods within the Forest, without Licence of the King or Lord Cheit Justice in Eyre. See *Manwood*, 2 Part, cap. 8. num. 4 & 5.

Secondly, **Waste** is taken for those Lands which are not in any one Mans occupation, but lie common, which seem to be so called, because the Lord cannot make such profit of them, as he does of his other Lands, by reason of that use which others have of it, in passing to and fro. Upon this none may build, cut down Trees, dig, &c. without the Lords Licence.

Thirdly, **Year, day, and Waste**, (*Annus, Dies, & Vastum*) Is a punishment or forfeiture belonging to Petit-Treason or Felony, whereof you may read *Stamf. Pl. Cor. lib. 3. cap. 30.* And see *Year, Day, and Waste*.

**Waste-ground** (*Vastus fundus*) Is so called, because it lies as *Waste*, with little or no profit to the Lord of the Mannor, and to distinguish it from the Demesne in the Lords hands. 2 Part *Inst.* fol. 656. See *Waste*.

**Wastours** (*Anno 5 Edw. 3. cap. 14.*) Were a kinde of Theeves so called. — *There have been* (says the Statute) *divers War-lau-ghers, Felonies, and Robberies done by People, called Robbersmen, Wastours, and War-lau-ghers.* 4 Hen. 4. cap. 27.

**Wastel Bread** (*Anno 51 Hen. 3. Statute of Bread*) *For a Wasten, Belgii jejunare; unde illis Wastelabond, Shrovetide. Vox autem unde veniat, non liquet, says the Gloss. in x. Scriptores.* See *Cocket*.

**Water-bailiffs**, Seem to be Officers in Port-Towns, for the searching of Ships. *Anno 28 Hen. 6. cap. 5.* Also an Officer so called belonging to the City of London, who hath the supervision and search of Fish brought thither, and the gathering of the Toll, rising from the Thames. He also attends on the Lord Major for the time being, and hath the principal care of Marshalling the guests at his Table, and doth Arrest Men for debt, or other personal or criminal Matters upon the River of Thames, by Warrant of his Superiors.

**Watergauge** (*Watergagium & Aquagagium*) A Sea-wall or Bank to stop or restrain the current, or overflow of the Water; also an Instrument to gage or measure the profundity or quantity of any Waters.

**Watergang** (*Watergangium*, Sax. *waetp-gang*, i. *Decursus aqua*) A Trench, Trough, or Course, to carry a Stream of Water: Such, I conceive, as are usually made in Sea-walls, to loose and drain Water out of the Marshes. Some Authors confound this with *Watergauge*, but they seem to have different significations. *Carta Hen. 3. De Ordinatione Marisci de Romency, &c. Ad reparandum Wallias & Watergangias ejusdem Marisci contra Maris periculum.* — *Omnibus Ballivis de Bescintone, Robertus de Curci salutem, Mando vobis atque pra-*

*cipio, quatenus justicietis meos homines de Snar-gate, ut faciant Wallas & Watergangas & clau-suras Wallarum, sicut debent facere, & si facere nulerint, tum justicietis illos ut faciant, &c.* Mon. Angl. 2 par. fol. 920. b.

**Watergabel**, — *Henricus Rex, salutem. Sciatis nos dedisse dilecto & fideli nostro Huberto de Burgo, Comiti Kantie, & Margariae uxori suae redditum xxii s. & iv d. quem homines eorundem Huberti & Margariae de Manerio suo de Elmour nobis reddere solebant singulis annis per manum Ballivi nostri de Meustre-worth, nomine Watergabel, Habend. &c.* Dat. 15 Hen. 3. This was a Rent paid for fishing in, or other benefit received from, some River or Water.

**Wateringstreet** (*Anno 39 Eliz. cap. 2.*) Is one of those four ways, which the Romans are said to have made here, and called *Consulares, Pratorias, Militares, Publicas*. This Street is otherwise called *Werlamstreet*, and leads from Dover to London, *Donstable, Touceter, Asterston*, and the *Severn*, near the *Wrekyn* in *Shropshire*, extending it self to *Anglesey* in *Wales*.

The second is called *Ikenildstreet*, stretching from Southampton over the River *Isis*, at *New-bridge*; thence by *Camden* and *Litchfield*, then it passeth the River *Derwent* near *Derby*, so to *Boleover Castle*, and ends at *Tinmouth*.

The third was called *Fosse*, because in some places it was never perfected, but lies as a large Ditch; leading from *Cornwall*, through *Devon-shire* by *Tisbury*, near *Stow* in the *Wolds*; and belides *Coventry* to *Leicester*, *Newark*, and so to *Lincoln*, &c.

The fourth was called *Ermin* or *Erminage-street*, stretching from *S. Davids* in *West-Wales* unto *Southampton*. See *LL. Edw. Conf. cap. 12.* whereby these *Quatuor Chemini*, or Four Publick Ways had the privilege of *Pax Regis*.

**Warshot** or **Waxscot** (*Ceragium*) *Tri-butum quod in Ecclesiis pendebatur, ad sub-ministrationem cere & luminarium. Wax, cera & Shot, symbolum. Hac autem solutione multi se contendunt immunes esse a minoribus quibusdam decimis persolvendis. Ejusdemque generis sunt, quae alias Cock, & Wax, alias Waxepozt appellantur.* Spelm. This *Waxscot* was anciently paid thrice a year towards the charges of Candles in Churches.

**Wap**. See *Chimin*.

**Wade** (for so they anciently wrote) **Wadd**. See *Strond*.

**Weald** or **Weld** (Sax. *weald*, i. *Sylvia, desertum*) Is the Woody part of a Countrey, as the *Weald of Kent*. *Cam. Britan. pag. 247.* *Anno 26 Hen. 8. cap. 7.* In the Collection of Statutes, 14 Car. 2. cap. 6. It is mis-printed *Wildes* of *Surrey*, *Suffex* or *Kent*, for *Wealds*.

**Wear** or **Were** (*Wera & Wara*, Sax. *weap*) A Stank or great Dam in a River, well known, accommodated for the taking of Fish, or to convey the stream to a Mill. — *Unam Warain & duas Cortlandas cum Dominio & prao.* Mon.

*Mon. Angl. 2 par. fol. 128.* And I have seen an old Deed with *Boera flans in aqua*, supposed to signifie a *Wear*. See *Kiddel*.

**Weif**. See *Waif*.

**Weigh** (*Waga*) Is a Weight of Cheese or Wool, containing Two hundred fifty six pounds of *Avoir du pois*. See *Waga*. *Cokes 12 Rep. fol. 17.* mentions Eighty *Weigh* of Bay-Salt. See *Waga*.

**Weights** (*Pondera*) There are two sorts of them in use with us: The one called *Troy Weight*, which hath Twelve ounces to the Pound, by which, Pearl, Precious Stones, Electuaries, and Medicinal things, Gold, Silver, and Bread, are weighed: The other *Avoir du pois* contain-ing Sixteen ounces to the pound, by which all other things are weighed, that pass by weight. *Geo. Agricola* in his Learned Tract *De ponderibus & Mensuris*, pag. 339. termeth the Pound of Twelve ounces *Libram Medicam*, and the other *Libram Civilem*, saying thus, *Medica et Civilis Libra, numero non gravitate unciarum differunt.* By these words *Avoir du pois* are sometimes signified such merchandise as are bought and sold by this kinde of Weights. The first Statute of *Tork*, 9 Edw. 3. in *Proem.* 27 Edw. 3. stat. 2. cap. 10. And 24 Hen. 8. cap. 13.

All our Weights and Measures have their first composition from the Penny Sterling, which ought to weigh Thirty two Wheat Corns of a middle sort, Twenty of which pence make an ounce, and Twelve such ounces a Pound; but Fifteen ounces make the Merchants Pound, (*Fleta*, lib. 2. cap. 12.) which (though an ounce less) should probably be all one in signification with *Avoir du pois*; and the other Pound, called by *Fleta*, *Troye Weight*, plainly appears to be all one, with that we now call *Troy Weight*. See *Tronage*. From henceforth there shall be one Weight, one Measure, and one Pard, according to the Standard of the Exchequer, throughout all the Realm, &c. *Anno 17 Car. 1. cap. 19.*

**Weights of Auncel** (*Anno 14 Edw. 3. stat. 1. cap. 12.*) See *Auncel Weight*.

**Wepthe**. — *Et omnia animalia adventitia fugitiva, Gallice Wepthe, in toto Hundredo de Halton.* Mon. Angl. 2 par. fol. 187. b. See *Waif*.

**Wend** (*Wendus*, i. *Perambulatio, circuitus*, from the Sax. *wendan*, to *wend*, *Meare*) *Pro-cinctus terra amplior, plurima juga in se continens. Rentale Regalis Manerii de Wy, pag. 31.* — *Tres sunt Wendi, viz. Downtend, Chil-tones Wend, & Wensford Wend.* — *In quolibet Wendo sunt decem juga, & sic in tribus Wendis sunt 30 juga, quorum 26 juga & dimid. sunt in Wy, &c. Et infra. Quilibet Wendus faciet 10 averagia semper de tribus septimanis in tres, &c.*

**Were** alias **Werre** (Sax. *wepe & wepa*, i. *pretium*) Signifies as much as *assimatio capitis* or *pretium hominis*, that is, so much as one paid in ancient time for killing a Man; when such crimes were punished with pecuniary

mults, not death. In *LL. Edw. Conf. cap. 11.* We read — *Were suum id est, Pretium sue redemptionis*, his ransom. — *Si quis ante Con-tem in placito pugnare, emendet secundum pretium sui ipsius & forisfacturam, quod Angli dicunt pepe & pite.* *Can. LL. MS. pag. 130.* In which words the Saxon *p* (*w*) is often mis-taken into *p*, and written *Pere* and *Pite*. See *Pere* and *Pite*, and see *Cavelet*.

**Weregelt-thef**, Significat latronem qui redi-mi potest. *Fleta*, lib. 1. cap. 47. also.

**Wergild**, **Wergeld** (*Wergildus*) *Pretium seu valor hominis occisi, homicidii precium*; which was paid partly to the King, for the loss of his Subject, partly to the Lord, whose Vassal he was, and partly to the next of kin. — *Quadam (crimina) emendari non possunt; quae sunt Wuszech, Wernet & Wpenthef, & Eberemioz, & Lafordstich, & infractio pacis eccle-siae, vel per Manus Regis per homicidium.* *LL. Hen. 1. cap. 13.* In which Chapter, the crimes are enumerated, which might be redeemed per *Weram*. — *De unoquoque five per totam Scotiam est Wergelt 30 Vacca & una juventa, five fuerit liber homo free forten.* *Reg. Majest. lib. 4. cap. 19.* The **Wergild** of an Archbishop and of an Earl was 15000 *Librins*. See *Seldens Titles of Honor*, fol. 604.

**Weretoff**. — *Et sint quieti de communis misericordis Comitatus, de Waspenny & Aver-penny, de Hundredpenny, & Thirvingpenny, de Weretoff & de Forseng.* *Carta Hen. 1.* from the Sax. *pepe-to-pon*, i. To take a ransom or price for killing a Man. See *Were*.

**Werbagium**. — *Cum omnibus aliis consue-tudinibus, legibus & libertatibus suis & Werva-gio suo hi lande & hi brande.* *Carta Hen. 3. Leveshamensi Canob. Quare.*

**West Saronlage** alias **West Serenlage**, Was the Law of the West Saxons. See *Morchenlage*.

**Westminster** (*Westmonasterium*) Sax. *West-mynster*, i. *Occidentale Monasterium*) Was the ancient Seat of our Kings, and is now the well known place where the High Court of Par-liament, and Courts of Judicature sit: It had great Priviledges granted by Pope *Nicholas*, among others — *Ut amplius in perpetuum Regia constitutionis locus sit atque repository Regalium Insignium.* *Ep. ejus ad div. Edvard. Concil. Tom. 3. B. fol. 1228.* See *City*. And 4 *Inst.* fol. 255.

**Wetecroft**. — *Habebit mensuram unam, sc. Wetecroft, cum orto, ubi possit manere, &c.* *Mon. Angl. 2. par. fol. 40. b.*

**Wharf** (*Wharfa*) Is a broad plain place near a Creek or Hithe of the Water, to lay Wares on, that are brought to, or from the Water. *New Book of Entries*, fol. 3. *Anno 12 Car. 2. cap. 4.*

**Wharfage** (*Wharfagium*) Is Money paid for Landing Wares at a *Wharf*, or for Shipping or taking Goods into a Boat or Barge, from thence. It is mentioned *Anno 27 Hen. 8. cap. 26.* And 22 *Car. c. cap. 11.*

**Wharfinger**,

**Wharfinger**, Is he that owns or keeps a Wharf, or hath the over-sight or management of it. *Anno 7 Edw. 6. cap. 7. 12 Car. 2. cap. 4. And 22 Ejsidem, cap. 11.*

**Whitelage** (Rotaticum, Fr. Rouage) Tributum est quod rotarum nomine penditur; hoc est, pro plaustris & carris transseuntibus. *Spelm.*

**Whitethart-silver** (Candidi cervi argentum) Is a Tribute or Mutt paid into the Exchequer, out of certain Lands in or near the Forest of Whitehart; which hath continued from Henry the Third's time, who imposed it upon Thomas de la Linde, for killing a most beautiful White Hart, which that King before had purposely spared in Hunting. *Cam. Brit. pag. 150.*

**Whitewent**. See *Quintent*.

**White Spurs**, A sort of Esquires so called. See *Esquires*.

**Whitestrails**, A kinde of course Cloth, made in Devonshire, of about a yard and half quarter broad raw; and mentioned *Anno 5 Hen. 8. cap. 2.*

**Whitton-farthings** (see *Pentecostals*) mentioned in Letters Patent of Henry the Eighth, to the Dean and Chapter of Worcester.

**Whitoto of the King** (Vidua Regis) Was she, who after her Husbands death, being the Kings Tenant in Capite, was driven to recover her Dower by the Writ *De Dote Assignanda*, and could not marry again without the Kings consent. *Stamf. Prærog. cap. 4. see the Statute of the Prærog. Anno 17 Edw. 2. Mag. Char. cap. 7. And 32 Hen. 8. cap. 46.*

**Whitowood** (Viduitas) The state or condition of a Widow. *Sciunt presentes & futuri, quod ego Margeria qua fuit uxor Ricardi Smith de Birchore (Com. Heref.) in Viduitate & in legitima potestate mea, remisit, relaxavi, &c. Dat. apud Birchore die Dominica in Fest. Nativitatis Sancti Johannis Baptiste, Anno 9 Hen. 4.*

**Will or Last Will** (Testamentum, ultima voluntas) Is of two sorts, a Will in Writing, called also a Testament, and a Will by word of mouth onely, called a Nuncupative Will, which being proved by witnesses, may be of as good force, as that in writing; except onely for Lands, which are not devisable, but by a Testament put in writing in the Life of the Testator. See *Touchstone of Wills, pag. 2.*

Ex codice MS. nuncupativo  
March penès Registrar. Curie  
Prærog. Domini Archiepif.  
Cantuar. Qu. 7.

IN nomine Patris & Filii & Spiritus Sancti, Amen. The seventeenth day of September, the year of our Lord Jhu Crist a thousand four hundred and four, I Lowys Clyforth fals and rrapour to my Lord God, and to alle the blessed company of Hebeue,

and untozthi to be cleppd a Cristen man, make and ordeyne my Testament, and my last wille in this manere.

At the begynnyng, I most untozthi and Goddys tratur, recommaund my tozechid and synfulle soule body to the grace, and to the grete mercy of the blefssull Trinite; and my tozechid carepne to be berped in the ferbest corner of the Chirchepere, in which parishe my tozechid soule departeth fro my body.

And I pray and charge my Surbiboys and my Executoys as they wollen andwere to soze God, as all myne boole trest in this matere is in hem, that on my stinking carepne be nether leyd clothe of gold ne of silke, but a blake clothe, and a Paper at myne hed, and another at my fete, ne none ne other thinge, toberby eny man may witte where my synkypng carepne liggeth. And to that Chirche do myne Executoys all thingis which owen duly in such caas to be don, without eny moze cost saak to poze men.

And also I pray my Surbiboys and myne Executoys that eny dette that eny man kan are me by true title, that hit be payd. And yf eny man kan trewly sey that I have do him eny harme in body or in good, that ye make largely his gre tobyles the goddys wole strecche.

And I wole also, that none of myne Executoys meddle or mynpre eny thinge of my goddys withourpyn abple and consent of my Superbiboys or sum of hem.

Now first I bequethe to Sire Phylype la Vache knyght my spasse-boke, and my portois; and my boke of Tribulation to my daughter hys wif.

Et quicquid residuum fuerit omnium & singulorum bonorum & catallorum superius seu inferius non legatorum, do integre & lego Philippo la Vacne, Johanni Cheynce & Thomæ Clanvow militibus libere sibi possidendum, &c.

*Probatum, &c. 5 Dec. An. 1404.*

**Wingrebe** (a wing vel wing, quod Sylvam sonat) An overseer of a Wood, a Woodward. Thus *Spelman*. But pig in Saxon signifies Via; so it may rather signifie an Overseer of the Highways.

**Winches** (Anno 21 Jac. cap. 32.) A kinde of Engin to draw Barges up the Water against the Stream.

**Winbinga**. — Et dedi eis totas Winkingas in Boschiis & Planis. Mon. Angl. 1 par. fol. 592. b. Quære.

**Winter-hepning** (Anno 20 Car. 2. cap. 3.) Is from the Eleventh day of November, to the 23 of April; which time, is by the said Act excepted from the liberty of Commoning in the Forest of Dean.

**Witgiltthef**

**Witgiltthef**, (Vale royal, pa. 113.) Perhaps mistaken for *Weregeltthef*, which see.

**Witte**, (Sax.) Punishment, pain, penalty, a fine or mault. Hence our *Witte*, or *Witfree*, one of the terms of Priviledge granted to our *Portsmen*; signifying a freedom or immunity from Fines or Amercements; not, (as it is vulgarly accepted and construed among them) from being liable to be beg'd for tooles for lack of wit or understanding. *Sax. Dict. See Wyte & Glofs. in x. Scriptores.*

**Witreden**, alias *Wititereden & Wintreden*, Was a kind of taxation among the West-Saxons, imposed by the publick Counsel of the Kingdom. For pice and pican signifie *majoris regni*, and *pican*, *concilium*. Charta Ethelwulfi Regis catholica, apud Malm. de geit. R. lib. 1. pa. 41. — *Manfio* (sc. quavis Ecclesie assignata, Sit tuta & libera ab omnibus secularibus servitiis) Nec non regalibus tributis, majoribus & minoribus, five taxationibus, qua nos dicimus *Wititereden*, &c.

**Witthernam**, (Vetulum namium, Sax. pyþ-p, conda, & þam, captio, i. Reprisale) Is the taking or driving a distrefs to a Hold, or out of the Country, so that the Sheriff cannot, upon the Replevin, make deliverance thereof to the party distreined; In which case the Writ of *Witthernam*, or *de vetito namio* is directed to the Sheriff, for the taking as many of his Beasts as did thus unlawfully distrein, or as much goods of his, till he has made deliverance of the first distrefs: Also, if the Beasts be in a Fortlet or Castle, the Sheriff may take with him the power of the County, as appears by the Statute *Westm. 1. ca. 20. & Briton, ca. 27. Witthernam*, (in *Bracton*, lib. 3. tract. 2. ca. 37. and in *Westm. 2. ca. 2.*) seems to signifie an unlawful distrefs, made by him that has no right to distrein. *Anno 13 Ed. 1. ca. 2.* See the *New Book of Entries* on this word.

**Woad**, (Glasum) Is an Herb like Plantain, growing in some parts of England, the parts of Toulouse in France, and in Spain, much used for the dying a blew colour. *Anno 7 Hen. 8. ca. 2.* we call it *woad*, from the Italian *Guado*.

**Wold**, (Sax.) Lat. Walda, ) A Plain, a Down, an open Champain ground, Hilly, and void of Wood; as *Stow* in the *Wolds*, and *Colswold* in Gloucestershire. This is sometimes misunderstandingly confounded with *Wwald*.

**Wong**, (Sax. pang,) A Field. *Tres acra terra jacentes in lex wongs*, i. In campis opinonem seminalibus, magis quam pascuis, faves *Spel.* So in an ancient Charter of *Garradon-Abby* in Leicestershire, *Dat. 14 Ed. 3.* There is mention of the *wicket-wong*, which is a large piece of enclosed ground, lying before the Abbey-gate, still retaining the name. See *WVang*.

**Woodgeld**, (Woodgeldum) Seems to be the gathering, or cutting wood within the Forest, or Money paid for the same, to the Foresters. And the immunity from this by the Kings Grant, is by *Crompton* called *woodgeld*, fo. 157. *Coke* (on *Litt. fo. 233. a.*) says, it signifies to

be free from payment of money for taking of Wood in any Forest.

**Woodmen**, Are those in the Forest, who have charge especially to look to the Kings woods. *Crom. Jur. fo. 146.*

**Woodmore Court**, Is the Court of Attachment of the Forest. *Manw. par. 1. pa. 95.* See *Attachment*.

**Wood-plea Court**, Is a Court held twice a year in the Forest of Chinn, in *Com. Salop*, for determining all matters of wood and agistment there; and, was anciently perhaps the same with *Woodmore Court*.

**Woodward**, (Woodwardus) Is an Officer of the Forest, whose Function you may understand by his Oath, set down in *Crom. Jur. fo. 141.*

You shall truly execute the Office of a Woodward of B. woods, within the Forest of W. so long as you shall be Woodward there; you shall not conceal any offence, either in Vert or Venison, that shall be committed or done within your charge; but you shall truly present the same, without any favour, affection or reward: And, if you see or know any Malesallors, or find any Deer killed or hurt, you shall forthwith do the Verdor to understand thereof; and, you shall present the same at the next Court of the Forest, be it Swaimote or Court of Attachments; So help you God.

Woodwards may not walk with Bow and Shafts, but with Forest Bills. *Manwood, par. 1. pa. 189.* Arcum & calamos gestare in Foresta non licet, sed (ut rescripti utar verbo) Hachetum tantummodo. Sic Term. Hiell. Anno 13 Ed. 3. Ehor. rot. 106.

**Wool-buyers**, (Anno 2 & 3 Ph. & Ma. ca. 13.) Are those that buy Wool, abroad in the Country, of Sheepmasters, and carry it on horseback to the Clothiers, or to Market-Towns to sell again.

**Woolstaple**, (Anno 51 Hen. 3. Stat. 5.) That City or Town where wool was sold. See *Staple*.

**Wool-winders**, Are such as wind up every Fleece of wool that is to be packed and sold by weight, into a kind of bundle, after it is cleaned in such manner as it ought to be by Statute; and, to avoid such deceit, as the owners were wont to use, by thrusting in locks of refuse wool, and other drofs, to gain weight, they are sworn to perform that office truly between the owner and the buyer. See the Statute 8 H. 6. ca. 22. — 23 Hen. 8. ca. 17. and 18 Eliz. ca. 25.

**Wrandlands**, Seem to be misgrown Trees, that will never prove timber. *Kitchin, fo. 169. b.*

**Wreck**, (Wreccum maris. Sax. ppaç, i. De-tortum, abdicatum,) Is, where a Ship is perished on the Sea, and no man escapes alive out of it, if any part of the Ship, or any of the Goods, that were in it are brought to Land by the Waves, they belong to the King by His Prerogative.

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gative, or to such other person to whom the King has granted **Warrick**. But, if a man, a Dog or a Cat escape alive, so that the owner come within a year and a day, and prove the Goods to be his, he shall have them again by provision of the Statute of *Weflm.* 1. ca. 4. & 17 Ed. 2. ca. 11. See *Coke*, Vol. 6. fo. 106. a. *Bracton*, lib. 2. ca. 5. num. 7. *Edouardus*, Conf. Ringsted cum libertate adjacentis & omni maris ejusdem, quod **Warrick** dicitur, Ecclesia Ramefensi largitus est. Lib. Ramefien. Sect. 95. By which, and other Antiquities, it appears, that *Warrick* did not once comprehend Goods that came from a perishing Ship, but whatever else the Sea did cast upon the Land, were it precious Stones, Fishes, or the like. For, in the *Statuto Prærog. Regi*, ca. 11. we read — *Rex habebit Wreckum maris per totum regnum, Balenas & Sturgesas captas in mari, vel alibi infra regnum, exceptis quibusdam privilegiatis locis per Regem.* — See *Rot. Cart.* 20. Hen. 3. m. 3. & *Rot. Cart.* 4 Hen. 3. m. 6. & *Pat.* 40. H. 3. in *Dorsu*, m. 1. This in the *Grand Customary of Normandy*, ca. 17. Is called **Warech**, and Latined *Verisum*; and in some of our ancient Charters it is written *Seuptoerp* quasi *Sea-up-terp*, i. *Ejectus maris*; from *Up-terpen*, ejicere. In the Statute 27 Hen. 8. ca. 26. it is called *Wreke de mer*. See 2 *Inst.* fo. 167.

**Warrick**, (Breve) Is the Kings precept, whereby any thing is commanded to be done touching a Sute or Action, as the Defendant or Tenant to be summoned, a Distress to be taken, a Distress to be redressed, &c. And these *Warricks* are variously divided in divers respects; Some in respect of their order, or manner of granting, are termed *original* and some *judicial*. *Original Warricks* are those, which are sent out of the high Court of Chancery, for summoning the Defendant in a personal, or Tenant in a real Action, before the Sute begins, or to begin the Sute thereby. Those are *Judicial*, which are sent out by order of the Court, where the Cause depends, upon emergent occasion after the Sute begun. *Old Nat. Br.* fo. 51, & 147. And, *Judicial* are thus known from *Original*, because their *Tests* bears the name of the Chief Justice of that Court, whence it comes, whereas the *Original* faith, *Teste meipso*, in the name, or relating to the King, and, according to the nature of the Action they are *personal* or *real*; *real* are either touching the possession called *Warricks of Entry*; or the property, called *Warricks of Right*. Some *Warricks* are at the Sute of the Party, some of Office. Some ordinary, some of privilege. A *Warrick of Privilege* is that which a *privilegiatus* person brings to the Court for his exemption, by reason of some privilege. See *Procedendo*, and *New Book of Entries*, verbo, *Privilege*. See *Brief*.

**Warrick of Rebellion**. See *Commission of Rebellion*.  
**Warrick of Assistance**, issues out of the Exchequer, to authorize any person to take a Constable, or other publick Officer to seize Goods or Merchandise prohibited and uncofirmed, &c. *Stat.* 14 Car. 2. ca. 11.

**Writer of the Tallies**, (*Scriptor Talliarum*) Is an Officer in the Exchequer, being Clerk to the Auditor of the Receipt, who writes upon the *Tallies* the whole Letters of the Tellers Bills.

**Wulfshepec**. See *Pulfshepec*.

**Wulfshepec**, *Contrahit* Wulfshepec, (Sax. *pulfe*, *lupus* & *leofod*, *caput*, i. *Caput lupinum*) Was the condition of those, who were outlawed for Criminal matters in the Saxons time, for not yielding themselves to Justice. For, if they could have been taken alive, they must have been brought to the King; and, if they for fear of being apprehended did defend themselves, they might be slain, and their heads brought to the King; For, their head was no more to be accounted of, than a *Woolfs head*. *LL. Edw.* for forth by *Lamb.* fo. 127. b. num. 7. and *Bracton*, lib. 2. *Tract.* 2. ca. 11. See *Utlary*. *Wulfshepec* & *Wulfsford*, are all one. *Coke on Litt.* fo. 28. b.

**Wypke**, (*Wyska*) A Farm, or little Village. — *Ita totam Wykam cum hominibus*, &c. *Mon. Angl.* 2 Par. fo. 154.

**Wypte**, or **Wyte**, (*Wysa* vel *Wita*. Sax. *pute*, i. *Pana*, *multa*) Saxones duo militarum genera statuere; **Wieram** & **Wyptam**. *Wera* mortis reos & gravissimos peccantes liberabat. *Wyta* mediis & levioribus delictis statuta fuit, non certa sed pro qualitate commissi, alias *gravior*, alias *levior*; *salvo tamen semper contentamento delinquentis* (ut *lex loquitur* in *Mag. Char.* ca. 14.) *hoc est*, *asimilatione ejus*, *Anglice*, *his Countenance*. — *Ex his placitis quadam emendantur centum solidis, quadam Wera, quadam Wyta, quadam emendari non possunt*. *Leg. Hen.* 1. ca. 13. — *Emendet juxta ordinis dignitatem, sive per redemptionem*, i. *Wieram*; per satisfactionem, i. *Wyte*; per *Legis transgressionem*, i. *Wablitte*. *MS.* de *LL. Canuti* in *Bibl. Cotton.* sub tit. *Viellius*, C. 9.

## X.

**Xenia**, *Dicuntur munuscula quæ à Provincialibus Reſtoribus Provincialium offeruntur.* *Vox* in *Privilegiis Chartistis* non inſueta; ubi quietos esse a Xenis, immunes natus ab hujusmodi muneribus aliisque Donis Regi vel Regine præstandis, quando ipsi per prædium Privilegiatorum transferunt; ut in *Chart. Domus Semplingham*. Principibus enim olim fuit in more, a subditis vel invitis munera extorquere. Itaque ab hoc jugo liberos fecit Ecclesiasticos Æthelbaldus Rex Merciorum Anno 749. ut ab exemplari Charta sua cum apud Ingulphum Sax. tum Wil. Malmsb. Lib. de Gestis Reg. Angl. p. 29. l. 4. His verbis habetur. — *Concedo ut omni Monasteria & Ecclesia Regni mei a publicis & Regalibus, operibus & oneribus absolvantur* — *Nec munuscula præbent Regi vel Principibus, nisi voluntaria.* *Spelm.* — *Nulla autem persona parva vel magna ab hominibus &*

*terra Radingensis Monasterii exigat, non equitationem sive expeditionem non summagia, non & galia, non navigia, non opera, non tributa, non Xenia, &c.* In *Memorand. Scacc. de Anno 20 Edw. 3.* *Trin. Rot. 3.*

## Y.

**YA & Nap** *Qual homines sui* (*Riponienses*) *sint credendi per suum Ya & per suum Nap* in omnibus querelis & Curis, licet tangen. *Frædmortel*, &c. *Carta Athelstani Regis.*

**Yard** (*Virga*) Is a well known measure of three foot in length, which (according to Sir Richard Baker) Henry the First ordained by the length of his own Arm. See *Virga ferrea*.

**Yard Land** (*Virgata Terra*, a Sax. *Syns*, i. *Virga*) Is a quantity of Land, various according to the place. As at *Wimbleton* in *Survey* it is but 15 Acres, in other Counties 20, in some 24; in some 30, and in others 40 Acres. *Virgata terra* continet 24 acres, & 4 virgate constituunt unam Hidam, & quinque Hides constituunt feodum militare. *MS. Abbatia Malm. b.* — This *Yardland*, *Bracton* (lib. 2. cap. 10. & 27.) calls *Virgata Terra*; but expresseth no certainty what it contains. It is called a *Verge* of Land. *Anno 28 Edw. 1.* *Statute of Wards.* See *Seldens Titles of Honor*, fol. 622.

**Year and day** (*Annus & dies*) Is a time, that determines a right in many cases, and is in some an usucaption, and in others a prescription; as in case of an *Estray*, if the owner (Proclamation being made) challenge it not within that time, it is forfeit: So is the year and day given, in case of *Appeal*, of *Descent*, after entry or claim, of *Non claim* upon a *Fine*, or *Writ of Right*, of the death of a Man, fore bruised or wounded; of *Protections*, *Essoigns*, in respect of the Kings Service; of a *Wreck*, and divers other cases. *Coke*, Vol. 6. fol. 107. b. and 3 *Inst.* fol. 53.

**Year, Day, and waste**, (*Annus, dies, & vastum*) Is a part of the Kings Prerogative, whereby he challengeth the profits of their Lands and Tenements; for a year and a day that are attainted of *Perit-Treason*, or *Felony*, whosoever is Lord of the Mannor, whereto the Lands or Tenements do belong; and not only so, but in the end may waste the Tenement, destroy the Houses, Root up the Woods, Gardens, Pasture, and Plough up the Meadows, except the Lord or the Fee agree with him for redemption of such Waste; afterwards restoring it to the Lord of the Fee, whereof you may read at large *Stamf. Prærog.* cap. 16. fol. 44.

**Welding** or **Wælding**, and **Waping** (*Reddendo & solvendo*) Is a corruption from the Sax. *Geidan* and *Gylban*, *Solvere*, *præstare*. And in

*Domesday Gildare*, is frequently used for *solvere*, *reddere*; the Saxon *S* being often mistaken into *Y*.

**Peme**, Is an ancient corruption of *Hieme*, *Winter*, as I have seen in an old Deed — *Reddend.* — *Ad Festum S. Martini in Peme*, &c. And in another of 4 *Edw. 3.* Thus, — *Reddend. quando dist. quatuor acra terra seminatur semine Yemali, duodecim Buffel. doni & legalis frumenti ad Festum Purificationis, &c.*

**Pebeu** or **Peoben**, (as we use at the end of Indentures, and other Instruments, *Towen the day, and year first above written*) Is a corruption from the Saxon *Geopian*, i. *Dare*, and is the same with *Given*. So *Distum de Kenelworth* concludes with — **Peoben** and proclaimed in the Castle of Kenelworth the day before the Calends of Nov. Anno 1256.

**Peman** or **Poman** (from the Sax. *Geman*, i. *Communis*) These *Camden* in his *Britan.* pag. 105. placeth next in order to *Gentleman*, calling them *ingenuos*, whose opinion the Statute affirms, *Anno 6 Ric. 2.* cap. 4. And 20 *Ejusdem* cap. 2. Sir *Tho. Smith* in his *Repub.* *Angl.* lib. 1. cap. 23. calls him a *Yoman*, whom our Laws call *Legalem hominem*, which (says he) is in English a *Freeman* born, that may dispense of his own Free-land, in yearly Revenue to the sum of Forty shillings Sterling. *Vershegan* (in his restitution of *Decayed Intelligence*, cap. 10.) writes, That *Gemen* among the ancient Teutonicks and *Gemeti* among the Modern, signifies as much as *Common*, and that the first Letter *G*. is in this word, as in many others, turned into *Y*. and so written *Yemen*, which therefore signifies *Commoner*. *Yoman* signifies also an officer in the Kings House, in the middle place between the *Serjeant* and the *Groom*; as *Yoman* of the *Chaundry*, *Yoman* of the *Scullery*. *Anno 3 Hen. 8.* cap. 12. *Yoman* of the *Crown*. *Anno 3 Edw. 4.* cap. 5. The word *Pongmen* is used for *Yomen* in the Statute of 33 Hen. 8. cap. 10. And I have seen it written *Yoman* in old Deeds. See *Feman*. *LL. Hen. 1.* cap. 16. *Danagil*.

**Pingeman**. *LL. Hen. 1.* cap. 16. *Danagil*. *quod aliquando Pingeman dabatur*, i. 12 d. de unaquaque bida per annum, si ad terminum non reddatur, *Wita* emendatur. The Learned *Spelman* thinks this may possibly be mistaken for *Inglishman* or *Englismen*, though he findes it written *Pingeman*, both in Sir *Rob. Cottons* Codex, and his own.

**Pbernagium** (from the Fr. *Hyvernee*, i. The *Winter-season*) Was anciently used for the *Winter-Seedness* or *Season* for Sowing Corn. — *Distus vero Willielmus & heredes sui arabant unum Seilonem ad Yvernagium, & unum Seilonem ad Semen quadragesimale, & unum Seilonem ad Wareſum, &c.* *Carta Ricardi de Harrecurt penes Tho. Wollascot Arm.* *Sine dat.*

## Z.

**Z**webe (Zuchus) Stips siccus & aridus,  
A withered or dry stock of Wood. Rex,  
Ec. Quia accepimus per Inquisitionem, quod

non est ad dampnum seu prejudicium nostrum,  
aut aliorum, si concedimus dilecto valedo nostro  
Ric. de Stelley omnes Zucheos aridos, qui An-  
glice vocantur **Strabenes** infra Hayam nostram  
de Beskerwood, quae est infra Forestam nostram de  
Shirewode, Ec. Pla Forestae in Com. Nott. de  
Anno 8 Hen. 3. — *Auxilium faciend. Bur-*  
*gensibus Salop. de veteris Zuchis & de mortuo*  
*bosco, Ec. Claus. 4 Hen. 3. m. 10.*

Ac  
16 **INIS.**

## CORRIGENDA.

**A** Bet, read, from the Sax. *a, i, ad.*  
Chancemedley, r. party might.  
Clerk of the Ax, *dele totum*, and read  
Clerk of the *Axts*, is an Officer of good  
account in the Navy Office, who receives  
and enters the Commissions and Warrants  
of the Lord Admiral, and Registers the  
*Axts* and Orders of the Commissioners  
of the Navy. Anno 16 Car. 2. cap. 5.  
Consolidation, r. *usum fructum*.  
Contrabanded, r. or exported.  
Co.dage, r. general appellation.  
Cuckingtool, r. *scalping* & *tole*.  
Defend, r. *Fence-moneth*.  
Dismes, r. *bath his share*.  
Divorce, r. a divertendo.  
In Eberemarder, r. *Ehepemopp*.  
Fardingdeal, r. Sax. *faropp*.  
Farthing of Land, r. *peopping*.  
Flitchwite, r. *contention* or  
Forathe, r. *modo—fidelem*  
Franc-almoin, r. *terrestrial*.  
Friburgh, r. *Fidejussor*.  
Frumstol, r. *Homestol*. LL.  
Furca, r. seu *Calefarcia*.  
Gabel, r. *Gafol al. Gafel*.  
Gardian, r. *Gapbung*.  
Gavelkind, r. *nominant. Hac terra*.  
Gultwir, r. *tor Gyltwite*.  
Haga, r. *de quinque solidis*.  
Hamfoken, r. *Hamsfocne & Fridebrice*.  
Hokeday, r. *feneicallus Curia de*.  
Honor, r. *Clun, Raleigh*.  
Horngeld, r. Sax. *Dofn*.  
Imparlance, r. the like *Claufe*.

Infangthef, r. S. *Ben. Ramf*.  
Infidiatores viarum, r. *arc words*.  
Institution, r. no *Franc-tenement*.  
Jury, r. *publick or private*.  
Knave, r. Sax. *cnapa, in every place, Ec.*  
Knight, r. by *Divines*.  
Landa, r. a *Lawnd* or.  
Landcheap, r. Sax. *Landceap* from *ceapan*.  
Livery of Seisin, r. *there was—delivered*.  
Magna Charta, r. *Sir Edw*.  
Manumission, r. *Sigillo Comitatus nostri*.  
Mise, r. **Lozds Parchers**.  
Naam, r. *quod inscribitur*.  
Nufance, r. *Vicountiel*.  
Precaria, r. *iv Precarias in*.  
Saka, r. See *Sac*.  
In Sea-rover, r. See *Pirate*.  
Serjeant, r. *Countor, is*.  
Serjeanty, r. *Donec perusis*.  
Sharping Corn, r. *Harrow Times*.  
Shirif-tooth, r. & *terris in*.  
Soc, r. *Sella de*.  
Socage, r. *Tenure of Lands*.  
Solidata terræ, r. *Viccomitibus*.  
Specialitas, r. *ab eodem*.  
Suffragan, r. (*suffraganeus*)  
Team, r. *Children, Goods*.  
Terrage, r. *Pavagio, Passagio*.  
Theft, r. *Personal goods*.  
Theftbote, r. *emenda furti*.  
Tritta, r. *mi fallor*.  
Wainage, r. *contentement* or  
Warranty, r. *tenementa nostra*.  
Xenia, r. *ut omnia*.

D-Fol.  
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